

CHAPTER 5 PERSONNEL

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Cell Phone Use

It is well supported by accident statistics that using a cellular phone, either hand-held or a hands-free model, while operating a motor vehicle distracts a driver's attention from traffic conditions.

To help reduce the possibility of a vehicle accident in connection with the use of cellular phones, the Dakota School District is adopting the following policy which is applicable to all employees while driving a district vehicle (van) or while driving a district-rented or district-leased vehicle while conducting or attending to school business or activities on behalf of the school district.

Guidelines are:

- Cellular phone calls or messages, incoming or outgoing, are prohibited while driving.
- The cellular phone's voicemail feature should be activated during the driving time.
- Cellular phones can be used while the vehicle is parked.
- Hands-free cellular phones are subject to the same restrictions as the hand-held cellular phones.

Employees found to be in violation of this policy will be unable to drive a district vehicle, a district-leased or district-rented vehicle for the remainder of the current school year.

Date Est.: September 22, 2008

Date Revised: _____

Equal Employment Opportunity and Minority Recruitment

The School District shall provide equal employment opportunities to all persons regardless of their race; color; creed; religion; national origin; sex; sexual orientation; age; ancestry; marital status; arrest record; military status; order of protection status; unfavorable military discharge; citizenship status provided the individual is authorized to work in the United States; use of lawful products while not at work; being a victim of domestic or sexual violence; genetic information; physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation; pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; or other legally protected categories. No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/.

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager for the Uniform Grievance Procedure. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

Nondiscrimination Coordinator:

Superintendent

Name

400 Campus Dr. Dakota, IL 61018

Address

mschiffman@dakota201.com

Email

815-449-2832

Telephone

Complaint Managers:

Elementary Principal

Name

400 Campus Dr. , Dakota, IL 61018

Address

cthorpe@dakota201.com

Email

815-449-2952

Telephone

Jr/Sr High School Principal

Name

300 Campus Dr., Dakota, IL 61018

Address

erankin@dakota201.com

Email

815-449-2812

Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks.

Minority Recruitment

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
 Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.
 Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq., §2000e et seq., and §12101 et seq.
 Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.
 Equal Pay Act, 29 U.S.C. §206(d).
 Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
 Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
 Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
 Pregnancy Discrimination Act, 42 U.S.C. §2000e(k).
 Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.
 Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.
Ill. Constitution, Art. I, §§17, 18, and 19.
 105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
 Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/40.
 Genetic Information Protection Act, 410 ILCS 513/25.
 Ill. Whistleblower Act, 740 ILCS 174/.
 Ill. Human Rights Act, 775 ILCS 5/1-103, 5/2-102, 5/2-103, and 5/6-101.
 Religious Freedom Restoration Act, 775 ILCS 35/5.
 Employee Credit Privacy Act, 820 ILCS 70/.
 Job Opportunities for Qualified Applicants Act, 820 ILCS 820 ILCS 75/.
 Ill. Equal Pay Act of 2003, 820 ILCS 112/.
 Victims' Economic Security and Safety Act, 820 ILCS 180/30.
 23 Ill.Admin.Code §1.230.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; Tobacco Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

Date Established: _____

Date Revised: 1/20/2015

Workplace Harassment Prohibited

The School District expects the workplace environment to be productive, respectful, and free of unlawful harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex, sexual orientation, age, citizenship status, disability, or other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy 7:20, *Harassment of Students Prohibited*.

Sexual Harassment Prohibited

The School District shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Complaint; Enforcement

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge. An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing bona fide complaints or providing information about harassment is prohibited (see Board policy 2:260, *Uniform Grievance Procedure*).

Aggrieved persons, who feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board policy 2:260, *Uniform Grievance Procedure*. Employees may choose to report to a person of the employee's same sex. There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

Whom to Contact with a Report or Complaint

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

Nondiscrimination Coordinator:

Superintendent
Name
400 Campus Dr. Dakota, IL 61018
Address

815-449-2832
Telephone

Complaint Managers:

Elementary Principal
Name
400 Campus Dr. Dakota, IL 61018
Address

Jr/Sr High School Principal
Name
300 Campus Dr. Dakota, IL 61018
Address

815-449-2852
Telephone

815-449-2812
Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in the appropriate handbooks.

LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq.; 29 C.F.R. §1604.11.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.; 34 C.F.R. §1604.11.
Ill. Human Rights Act, 775 ILCS 5/2-101(E), 5/2-102(D), 5/5-102, and 5/5-102.2.
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).
Crawford v. Metro. Gov't of Nashville & Davidson County, 129 S. Ct. 846 (2009).
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).
Jackson v. Birmingham Board of Education, 125 S.Ct. 1497 (2005).
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).
Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).
Porter v. Erie Foods International, Inc., 576 F.3d 629 (7th Cir. 2009).
Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n, 908 N.E.2d 39 (Ill., 2009).
Vance v. Ball State University, 133 S. Ct. 2434 (2013).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 7:20 (Harassment of Students Prohibited)

Date Established: _____

Date Revised: 10/15/2013

Administrative Resource - Sample Questions for Conducting the Internal Sexual Harassment in the Workplace Investigation

State and federal law prohibit sexual harassment. For the purpose of this procedure, sexual harassment includes harassment on the basis of sexual orientation, which means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity. The person charged with conducting the internal sexual harassment investigation must ascertain whether the sexual conduct is unwelcome and whether it affects a term or condition of employment (29 C.F.R. §1604.11(a)). The questions that follow are designed to help the investigator uncover this evidence. They are not all-inclusive and the exact questions must be designed for the specific allegations in each case.

Is the conduct complained of unwelcome sexual conduct?

Unwelcome sexual conduct is that verbal or physical sexual conduct which the employee did not solicit or incite and that which the employee regarded as undesirable or offensive. It is difficult to discern because the line between welcome and unwelcome sexual conduct is often quite fuzzy. The EEOC evaluates the issue of welcomeness in sexual harassment cases on a case-by-case basis. It looks at the record as a whole, considering the totality of the circumstances. The wise investigator will do the same.

Below are sample questions that can be used to formulate actual questions for this part of the investigation.

1. Who is the alleged sexual harasser? What is his/her name? Is he/she a co-worker or a supervisor?
2. Is the sexual conduct complained of physical, verbal, and/or committed using an electronic device, such as, through email, text message, or a social networking website?
3. If physical, describe with specificity the nature of the physical conduct. Describe all locations on the complainant's body that were touched and indicate when, how often, how he/she was approached, who witnessed the physical conduct, and where was the complainant when the conduct took place? Did the physical conduct involve an injury to or destruction of the complainant's possession(s) and, if so, what was the property, what was the nature of the injury, when did it happen, and where is the property now?
4. If the unwelcome conduct was verbal, what was stated, when, how often, where were the parties when the statements were made, and who witnessed the statements being made?
5. If the conduct was committed using an electronic device (e.g., through email, text message, or social networking website) what was stated, where, when, how often, who saw it?
6. Did the complainant retain any evidence of the offensive conduct such as a picture, email message, text message, or video or audio recording?
7. Was medical treatment required? If so, when was he/she treated, how often, by whom, where was he/she treated, and what was the diagnosis?
8. If medical treatment was not required, was a complaint or protest made to anyone employed by the District or to anyone else? If so, to whom did he/she complain, when was the complaint made, what was stated therein, and were there any witnesses to this or these complaints?
9. What was the complainant's response to the conduct? Did he/she tell him/her to stop? Did he/she complain to others about his/her behavior? Did he/she ask co-workers, supervisors or managers to make the harassment stop? If so, obtain all relevant details.
10. Did the complainant engage in any conduct with the alleged harasser that could have encouraged his/her behavior? If so, what was the conduct, when and where did it occur, how often and who witnessed it?
11. Did the complainant and the alleged harasser have a prior consensual relationship? If so, how long did it last and when did that relationship end?

12. Did the complainant make the alleged harasser aware at the point when the sexual advances became unwelcome? If so, when, how was this done, what was communicated to the alleged harasser, and were there any witnesses?
13. Did the complainant complain about the harassment to the alleged harasser, his/her supervisors, other managers or others? If so, when were the complaints made, what was said, who was present, and what was the response to each complaint?
14. If no complaints about the alleged harassment were made, why not?
15. What other actions, if any, did the complainant take to indicate to the alleged harasser that his/her conduct was unwelcome?
16. Did the complainant engage in any conduct which elicited the unwelcome conduct of the alleged harasser? For example, how did he/she demean him or herself in the workplace, how did he/she dress, did he/she use sexual and provocative language, did he/she engage in sexually provocative conduct, and was this conduct directed towards the alleged harasser?
17. If they lack knowledge about the harassment, did co-workers, supervisors or managers notice any changes in charging party's behavior at work or in the alleged harasser's treatment of the charging party?
18. Has the alleged harasser been accused of sexual harassment by other employees? If so, when, and were the allegations investigated? If so, what was the result of the investigation, and what was management's response, i.e., what remedy was imposed?

Did the work environment become hostile?

To ascertain whether unwelcome sexual conduct creates an unlawful *hostile environment*, the major inquiry is whether the conduct "unreasonably interferes with an individual's performance" or creates "an intimidating, hostile, or offensive working environment." (29 C.F.R. §1601.11(a)(3)). Thus, trivial or annoying conduct such as sexual flirtation or innuendo or vulgar language would probably not establish a hostile environment. The challenged conduct must substantially affect the work environment of a reasonable person for a violation to be found.

Consider the following additional questions for this part of the inquiry:

1. What effect, if any, did the alleged harassment have upon the complainant's ability to perform his/her job?
2. What effect, if any, did the alleged harassment have upon the complainant's mental or physical health or well-being?
3. What was the sexual character of the work environment before the complainant entered the environment? Were sexual comments and actions common? If so, what types, when did they occur? Who was involved? Were supervisors involved or just co-workers?
4. Did the character of the workplace change after complainant joined the workplace? If so, how? What was complainant's behavior? How did the accused and other co-workers or supervisors respond to complainant's behavior?
5. Was the complaint of verbal or physical behavior directed at persons other than complainant? If so, who were they? What conduct was directed towards them, when, how frequently, who was present, where did it occur and who witnessed it? How did these persons react to the physical or verbal conduct?
6. Did the alleged harasser single out the charging party? If so, how, when, where, and why?
7. Did others join in perpetrating the harassment? If so, who? What was done; when, where, who witnessed the conduct, and were others harassed too?

8. If the complaint of conduct was verbal, what were the remarks? Were they hostile and derogatory? What was the frequency and context of the comments? Were the parties in or out of the workplace when the comments were made?
9. Was the alleged harassment observed by supervisors, managers, or other co-workers? If so, by whom, when, where, and what was observed?
10. Was the alleged harassment observed by former employees or others outside the workplace? If so, by whom, when, where, and what was seen?

Was the harassment committed by a supervisor?

The employer will always be held responsible for acts of sexual harassment committed by the employee's supervisor, meaning someone who was authorized by the employer to have authority over the complainant's terms and conditions of employment. To investigate sexual harassment committed by the complainant's supervisor, include questions such as the following:

1. What sexual conduct is the supervisor accused of? When, where, how often did it occur, and who observed?
2. Was the supervisor authorized to grant or deny tangible job benefits to the complainant? If so, what was the scope of that authority and what documents evidence it? If not, were his/her recommendations concerning the complainant's terms and conditions of employment typically or routinely followed?

Was the harassment *quid pro quo* (do this for that)?

An employer will always be held responsible for acts of *quid pro quo* sexual harassment, meaning that tangible job benefits were either (1) conditioned on submitting to sexual favors, or (2) denied because of the complainant's rejection of a sexual advance or request for sexual favors.

1. How was the complainant's employment affected by the alleged harassment? Was he/she denied a salary increase, a promotion, a job transfer, etc.? If so, when?
2. Was the complainant treated differently from similarly situated employees in regard to the denied salary increase, promotion, job transfer, etc.? If so, who was treated differently by this same supervisor?
3. What other management employees were involved in decisions to grant or deny the tangible job benefit(s) to the complainant? Did they have knowledge of the sexual conduct?

Date Established: _____

Date Revised: 10/15/2013

Hiring Process and Criteria

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. If the Superintendent's recommendation is rejected, the Superintendent must submit another. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21B-80 of the School Code.

All applicants must complete a District application in order to be considered for employment.

Job Descriptions

The Superintendent shall develop and maintain a current comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is performed on each applicant as required by State law. The Superintendent or designee shall notify an applicant if the applicant is identified in either database. The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, the Department of State Police and/or Statewide Sex Offender Database.

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 5/21B-80 of the School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
3. The District does not request of an applicant or employee access in any manner to his or her social networking website, including a request for passwords to such sites.
4. The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Physical Examinations

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination performed no more than 90 days before submitting evidence of it to the District.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. The Board will pay the expenses of any such examination.

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.: 105 ILCS 5/10-21.9 and 5/24-5.
 Employee Credit Privacy Act, 820 ILCS 70/
 Right to Privacy in the Workplace Act, 820 ILCS 55/
 Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630.
 Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
 105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-10, 5/21B-80, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.
 820 ILCS 55/ and 70/
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (Ill.App.1, 1985), *aff'd in part and remanded* 505 N.E.2d 314 (Ill., 1987).
Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2, 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (Ill.App.1, 1945).

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and Neglected Child Reporting), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Educational Support Personnel - Duties and Qualifications)

Date Established: _____

Date Revised: 10/21/2014

Administrative Procedure - Interview Questions

The anti-discrimination laws affect all steps of the employee hiring process. Knowledge of the characteristics on which these laws prohibit inquiry is especially critical when conducting interviews. Sloppy interview practices can result in the appearance of illegal discrimination or even actual discrimination.

Interviewers should avoid seeking information that will not be used to make an employment decision. Assume that a rejected applicant may believe that all information acquired was used. The District, if challenged, must explain why it asked for the information – a very difficult task when the information involves race, sex, religion, age, disability, etc. Information needed for insurance, tax, social security, or similar purposes should be obtained after employment. The following list of protected characteristics may not be complete because of the rapidly changing nature of discrimination laws.

Protected Status	Do not ask	Permissible to ask
Race and color	What race are your parents?	
Alienage, ancestry, national origin, nationality, and citizen status (provided the individual is authorized to work in the U.S.)	In what country were you born? In what country were your parents born? Are you a naturalized citizen?	Are you legally authorized to work in the United States? What languages do you read, speak, or write fluently?
Marital status	Are you married? Single? Divorced? Engaged? Are you living with someone? Would your spouse move with you if you got this position? What is your maiden name?	
Gender, including parent and pregnancy status	What are your future family plans? Are you pregnant? Do you have children? What are their ages? Do you have child care?	Is there anything that would interfere with regular work attendance? Are you available to work overtime?
Sexual orientation, including actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity	Do you have a spouse or partner – which?	How do you feel about supervising a diverse workplace?
Religion or creed	What religious holidays do you celebrate?	What days are you available to work?
Age	When do you plan to retire? When do you plan to collect your pension?	What are your long-term career goals?
Military status	Will you miss work because you are a member of a U.S. Reserve unit, such as, Army Reserve or Marine Corps Reserve, or a member of a National Guard	How does your military training or experience prepare you for this job?

Protected Status	Do not ask	Permissible to ask
	unit?	
Unfavorable discharge from military service	Under what circumstances were you discharged from the service?	
Arrest record Conviction that is not on the School Code's list of disqualifying convictions	Have you ever been arrested? Spent time in jail?	Have you ever been convicted of attempting to commit, conspiring to commit, soliciting, or committing any crime in the following list? (1) any sex offense or narcotics offense, as defined in Section Sec. 21B-80 of the School Code, (2) first degree murder or a Class X felony, or (3) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.
	The Job Opportunities for Qualified Applicants Act, 820 ILCS 75/, added by P.A. 98-774, eff. 1-1-2015, prohibits an employer from asking about a criminal record until the employer determines that the applicant is qualified for the position; however, this does not apply when employers are required to exclude applicants with certain criminal convictions from employment. Thus, school employers should limit their requests for criminal convictions to job-disqualifying convictions.	
Use of lawful products during non-working hours	Do you smoke or use tobacco products during non-working hours? Do you consume alcoholic beverages during non-working hours?	Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco products?
Genetic information	What were the results of any diagnostic, predictive, or pre-symptomatic genetic testing that you've had?	See section on <i>disability</i> below.
Whether applicant has ever filed a claim or received benefits under the Illinois Workers' Compensation Act or Workers' Occupational Diseases Act	Have you ever filed a claim or received benefits under the Illinois Worker's Compensation Act or Workers' Occupational Disease Act?	
Credit history/report, unless the Employee Credit Privacy Act permits a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more.	Unless specifically permitted, do not ask: Do you have a good credit score? Have you been denied a credit card within last 5 years? Have you ever filed bankruptcy?	How long have you lived at your current address?
Victim of domestic violence or being protected	Have you ever requested a restraining order or order of	

Protected Status	Do not ask	Permissible to ask
under an order of protection	protection against your spouse or other person?	

Disability

Inquiries that are likely to elicit information about a disability, before a bona fide job offer is made, are prohibited. Inquiries about the ability to perform job functions that do not ask about disabilities are permissible.

Protected Status	Do not ask	Permissible to ask, provided all applicants are asked
Disability	Have you had any recent illnesses or operations? Do you have AIDS? Do you have asthma? Do you have a disability which would interfere with your ability to perform the job? How many days were you sick last year? Have you ever filed for Workers' Compensation? Have you ever been injured on the job? How much alcohol do you drink each week? Have you ever been treated for alcohol problems? Have you ever been treated for mental health problems? What prescription drugs are you currently taking?	Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation? Please describe/demonstrate how you would perform these functions (essential and/or marginal). Have you ever been disciplined (oral or written reprimand, suspension or termination) for attendance violations or problems? Are you a current user of illegal drugs? Do you have the required licenses to perform this job?

Date Established: _____

Date Revised: 1/20/2015

Administrative Procedure - Investigations

Immigration Investigation

All newly hired employees must complete section one of the Immigration and Naturalization Service Form I-9 no later than 3 business days following their first working day (Immigration Reform and Control Act, 8 U.S.C. §1324a, 8 C.F.R. §274a.2). www.uscis.gov/sites/default/files/files/form/i-9.pdf. If an individual is unable to provide the required documents to complete it, the individual may present a receipt for the application of the required documents within 3 days of the hire. The individual must then present the required documents within 90 days of the hire. The Superintendent or designee completes section two of the Form I-9 and confirms the employee's information.

If the Employment Eligibility Verification System (E-Verify) is used to complete Form I-9, the Superintendent or designee will review the Ill. Dept. of Labor's website and its E-Verify factsheet, available at: www.uscis.gov/e-verify/what-e-verify. See the Ill. Dept. of Labor Right to Privacy in the Workplace Act, 820 ILCS 55/12.

The completed Form I-9 shall be maintained in a file separate from other personnel records in order to prevent unauthorized review of personnel files. The Form I-9 shall be retained for a period of 3 years after the date of hire or one year after individual employment is terminated, whichever is later.

Criminal History Records Check

A criminal history records check must be initiated prior to employment, but the District may permit the individual to be hired and begin employment pending its outcome. See *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.

A complete criminal history records check pursuant to 105 ILCS 5/10-21.9 consists of:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248),
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*), and
3. A check of the Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105).

See also policy 4:170, *Safety*, and administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*. **Important:** 20 ILCS 2630/5(h)(2)(A) outlines how an individual may petition to have an arrest record expunged by the arresting authority and the records of the arrest sealed by the circuit court clerk. It also details offenses for which an individual cannot have his or her conviction sealed.

Note: The following criminal history records check guides are also available:

1. *Guide to Understanding Criminal Background Check Information* is available at: www.isp.state.il.us/docs/5-727.pdf.
2. ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.

The following individuals are responsible for the actions listed:

Applicant - Each applicant for employment in any position (except bus drivers employed by a private student transportation contractor) must provide a written authorization for a complete criminal history records check at the time he or she submits the application.

Student Teacher - Each student teacher must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees) prior to participating in any field experiences in the District. See 105 ILCS 5/10-21.9(g).

Applicant for Bus Driver - Each applicant for a bus driver position must complete the application required by the Secretary of State for a school bus driver permit (obtained from the District) and submit it to the District along with the necessary fingerprint submission as required by the Department of State Police to conduct a fingerprint-based criminal history records check. The Superintendent or designee will conduct a pre-employment interview with prospective school bus driver candidates, distribute school bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Department of State Police. The Superintendent or designee will certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed, including the successful completion of a criminal history records check as required by State law. The applicant must present the certification to the Secretary of State at the time of submitting the school bus driver permit application. See 625 ILCS 5/6-106.1.

Superintendent or designee - Note: *Add any additional steps to efficiently receive a complete criminal history records check.*

1. Fingerprint-Based Criminal History Records Check:

For all applicants, the Superintendent or designee completes the required forms to request the criminal history records checks from an appropriate police or LiveScan vendor. This may include submitting the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers to the ISP and FBI on the forms prescribed by each agency.

The Superintendent or designee will provide the applicant with a copy of the ISP and FBI reports. Required by 105 ILCS 5/10-21.9(b).

Note: For substitute teachers, superintendents will need to ensure that their districts perform these checks. Contact the board attorney and/or ISBE regarding the validity of a *certificate of authorization*, if a substitute teacher presents one. From Jan. 1, 2011 through July 1, 2011, the Regional Superintendent of Schools or Suburban Cook County Intermediate Service Center, whichever is appropriate, was allowed to issue *certificates of authorization* to substitute teachers. Issuance of a *certificate of authorization* was proof that the substitute teacher applicant had met all of the requirements to substitute teach in the educational service region; i.e., a fingerprint-based criminal history records check, a physical examination, and a negative tuberculin test. Because P.A. 97-607 deleted *certificates of authorization*, substitute teachers no longer receive them because they no longer exist. For those substitute teachers who did receive them, there is not an answer to the question of whether their *certificates of authorization* are still valid. Attorneys in the field suggest looking for an expiration date on the *certificate of authorization*. If the document has no expiration date, it is likely invalid because the document no longer exists. If there is an expiration date, then the document is likely valid until the date listed.

For student teachers, the Superintendent or designee ensures that the student teacher completes the required forms, authorizations, and provides payment to the District for the costs of completing a complete criminal history records check prior to student teaching (105 ILCS 5/10-21.9(g) and policy 5:260, *Student Teachers*). For more information, see also ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/pdf/guidance_chr.pdf.

2. Check of the Statewide offender databases. The Superintendent or designee performs a check for each applicant of:
- The Statewide Sex Offender Registry, www.isp.state.il.us/sor, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*), and
 - The Statewide Murderer and Violent Offender Against Youth Registry www.isp.state.il.us/cmvo/, as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105).

The Superintendent or designee notifies an applicant if the applicant is identified in the database as a sex offender. Required by 105 ILCS 5/10-21.9 (a-5), (a-6), and (b).

State Police and FBI – The ISP and FBI furnish records of convictions (until expunged), pursuant to the District’s request, to the School Board President. **Note:** The ISP and FBI must “furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board...”. See 105 ILCS 5/10-21.9(a) and (g). For a student teacher, the report shall be returned to the Superintendent or designee (see ISBE’s non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf).

Board President - The School Code requires the Board President to keep a conviction record confidential. The information may only be shared between the Board President, the Superintendent or designee, Regional Superintendent (if the check was requested by the District), State Superintendent of Schools, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for clarification purposes, the Department of State Police and/or Statewide Sex Offender Registry. See 105 ILCS 5/10-21.9(b) and 105 ILCS 5/21B-10.

Regional Superintendent/Suburban Cook County Intermediate Service Center - The Superintendent or designee may require the applicant to authorize the Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, to conduct the check when an applicant is (1) seeking employment in more than one District simultaneously as (a) a substitute teacher, (b) a concurrent part-time employee, and/or (c) educational support personnel, or (2) the employee works for a contractor holding contracts with more than one district. The Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, also performs a check of the Statewide Sex Offender Registry, www.isp.state.il.us/sor, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/115) and the Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105). See 105 ILCS 5/10-21.9 (a-5), (a-6), and (b).

Contractors - The above requirements for a complete criminal history records check apply to all employees and agents of contractors who have direct, daily contact with students (105 ILCS 5/10-21.9(f)). Every contractor with the District shall: (1) make every employee or agent who will have direct, daily contact with students submit to a complete criminal history records check, (2) agree to a contract provision that it will make those employees available to the District for the criminal history records check, and (3) submit payment for the costs of the check(s) to the District.

Note: The provisions in 105 ILCS 5/10-21.9(f) and (g) apply to employees of contractors who have “direct, daily contact with students.” To be comprehensive and to eliminate uncertainty, this procedure and policy 4:170, *Safety*, may require a criminal history records check on *all* employees of contractors who may work in any school building or on school property. Whether the District uses the comprehensive language or the direct language from the School Code, the District, not the contractor, must perform the background checks. Contractors are not authorized under any State or federal law to: (1) conduct the required criminal history background checks, or (2) see the employee’s criminal history furnished by the ISP and the FBI. All contracts should also require the contractor to purchase insurance to cover misconduct by their employees and/or an indemnification clause. Additionally, the Superintendent or designee should check insurance coverage to determine whether employees of contractors are covered. See also policy 4:170, *Safety*, for the responsibilities of contractors. Last, if the District has received, within the last year, information that concerns the record of conviction and identification as a sex offender of any contractors’ employees, the District must provide the information to another school, school district, community college district, or private school that requests it (105 ILCS 5/10-21.9(h)). For more information, see ISBE’s non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/pdf/guidance_chr.pdf. Unless notified by the individual named in a criminal history records information (CHRI) request or by the ISP that the information furnished in a CHRI report is inaccurate or incomplete, the District cannot be liable for damages to any person to whom the CHRI pertains for actions it reasonably took in reliance on the accuracy and completeness of CHRI report (20 ILCS 2635/7(A)(3)).

District - The School District complies with 105 ILCS 5/10-21.9 and 5/21B-80. It will not knowingly employ a person, or allow a person to work or student teach on school grounds, who:

1. Has been convicted of committing or attempting to commit any one or more of the following offenses:
 - a. Attempting to commit, conspiring to commit, soliciting, or committing first-degree murder or any Class X felony.
 - b. Sex offenses as defined in Sections 11-6 and 11-9 through 11-9.5, inclusive, Sections 11-14 through 11-21, inclusive, Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26, and Sections 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal Code of 1961.
 - c. Those defined in the Cannabis Control Act, 720 ILCS 550/, except 720 ILCS 550/4(a), 550/4(b), and 550/5(a).
 - d. Those defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq.
 - e. Those defined in the Methamphetamine Control and Community Protection Act, 720 ILCS 646/.
 - f. Any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in Illinois, would have been punishable as one or more of the foregoing offenses.
2. Has been found to be the perpetrator of sexual or physical abuse of any minor less than 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

Reporting New Hires

The Superintendent or designee shall timely file an IRS Form W-4 or IDES New Hire Reporting Form for each newly hired employee with the Illinois Department of Employment Security. See 820 ILCS 405/1801.1.

Date Established: _____

Date Revised: 5/13/2014

Compliance with the Fair Labor Standards Act

Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non-exempt.” “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. “Overtime” is time worked in excess of 40 hours in a single workweek.

Overtime

A non-exempt employee shall not work overtime without his or her supervisor’s express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee’s written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.

Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status. Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel - Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Educational Support Personnel - Employment Termination and Suspensions*.

Implementation

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

LEGAL REF.: 820 ILCS 105/4a.
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

Date Established: _____

Date Revised: _____ 5/13/2014 _____

Administrative Procedure - Fair Labor Standards Act Exemptions

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

Overview

- An exempt employee in Illinois is “any employee employed in a bona fide executive, administrative or professional capacity, . . . , as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [current federal rules].” 820 ILCS 105/4a.
- According to the U.S. Dept. of Labor’s rules, “[t]o qualify as exempt executive, administrative or professional employee, . . . , an employee must be compensated on a salary base at a rate of not less than \$455 per week.” 29 C.F.R. 541.600.
- Guidance on the U.S. Dept. of Labor’s website includes:
Exemptions from overtime pay provisions: www.dol.gov/elaws/esa/flsa/screen75.asp
Exempt vs. non-exempt status of a particular job: www.dol.gov/elaws/esa/flsa/overtime/jobs.htm

FLSA Exemption Category	Staff Positions
Non-covered persons	Independent contractors: www.dol.gov/elaws/esa/flsa/docs/contractors.asp Volunteers: www.dol.gov/elaws/esa/flsa/docs/volunteers.asp Student teachers who: (1) receive academic credit for their work experience, (2) do not displace regular employees, (3) work under close supervision, and (4) are not entitled to a job at the end of their training (www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.htm)
Executive employees	Superintendent Associate/Assistant Superintendents Directors Supervisors Other department managers
Administrative employees	Building Principals Assistant Principals Data systems analysts or computer programmers involved in obtaining solutions to complex business problems: www.dol.gov/whd/regs/compliance/fairpay/fs17e_computer.htm Other certificated administrative staff
Professional employees	Teachers Counselors Registered nurses Media coordinators Other non-supervising certificated staff
Non-exempt employees	Secretaries Receptionists Bookkeepers Cafeteria workers

FLSA Exemption Category	Staff Positions
	Crossing guards Before/after school program workers Bus drivers/transportation workers Computer lab managers Custodians Maintenance workers Pre-school workers Teacher aides, paraprofessionals, and assistants

Date Established: _____

Date Revised: 5/13/2014

Administrative Procedure - Employee Records Required by the Fair Labor Standards Act

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

This table contains the FLSA recordkeeping requirements as described in www.dol.gov/whd/regs/compliance/whdfs21.htm.

Actor	Action
Business office working with supervisors of non-exempt employees	<p>Keep each of the following records concerning non-exempt employees for at least 3 years:</p> <ol style="list-style-type: none"> 1. Employee's full name and social security number 2. Address, including zip code 3. Birth date, if younger than 19 4. Sex and occupation 5. Time and day of week when employee's workweek begins 6. Hours worked each day 7. Total hours worked each workweek 8. Basis on which employee's wages are paid (e.g., \$9 per hour or \$440 a week) 9. Regular hourly pay rate 10. Total daily or weekly straight-time earnings 11. Total overtime earnings for the workweek 12. All additions to or deductions from the employee's wages 13. Total wages paid each pay period 14. Date of payment and the pay period covered by the payment
Business office working with supervisors of exempt employees	<p>Concerning exempt employees, keep for at least 3 years, the records listed in numbers 1-4, 12-14 above and a record showing the basis on which the exempt employee's wages are paid.</p>
Business office	<ol style="list-style-type: none"> 1. Payroll records must be kept for at least 3 years. 2. Records on which wage computations are based must be kept for at least 2 years, i.e., time cards and piece work tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages. 3. Collective bargaining agreements and individual employment contracts must be kept for at least 3 years (when an agreement is not in writing, prepare and retain a written memorandum summarizing it). 4. Certificates and notices must be kept for at least 3 years.
Building Principal	<p>Display an official poster outlining the provisions of FLSA, available at no cost from local offices of the Wage and Hour Division and toll-free, by calling 1-866-487-9243. This poster is also available electronically for downloading and printing at: www.dol.gov/oasam/programs/osdbu/sbrefa/poster/main.htm.</p> <p>Keep records regarding the posting of notices for at least 3 years.</p>

Date Established: _____

Date Revised: _____ 5/13/2014 _____

Administrative Procedure - Compensable Work Time for Non-Exempt Employees Under the FLSA

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

Resources

Overview - www.dol.gov/compliance/laws/comp-flsa.htm.

For help determining whether time spent on work-related activities is compensable as “hours worked,” see the U.S. Dept. of Labor’s [FLSA Hours Worked Advisor](#).

Volunteers - www.dol.gov/elaws/esa/flsa/docs/volunteers.asp.

Compensable Time Defined for Non-Exempt Employees

The amount of pay due an employee cannot be determined without knowing the total number of hours actually worked by that employee in each workweek. An employee must be paid for all of the time considered to be hours worked and, all time that is *hours worked* must be counted when determining overtime.

Non-Exempt Employee - The term *non-exempt employee* refers to employees who are not exempt from the overtime provisions in the wage and hour laws. See administrative procedure 5:35-AP1, *Fair Labor Standards Act Exemptions*.

Hours Worked - Non-exempt employees must be compensated for all hours worked in a workweek. In general, hours worked include:

- All the time an employee must be on duty;
- All the time an employee must be on the employer’s premises;
- All the time an employee must be at any other prescribed place of work; and
- Any additional time the employee is allowed, i.e., “suffered or permitted” to work.

Suffered or Permitted to Work - If an employer knows or has reason to know that a non-exempt employee starts work early or continues to work late, it is considered work time. 29 C.F.R. §785.11.

This includes knowing or having reason to know that an employee works at home, e.g., as when a Building Principal’s secretary calls for substitutes early in the morning. 29 C.F.R. §785.12.

If an employee works additional straight time, at the regular rate of pay, or overtime hours without authorization, that employee must still be compensated but may be disciplined for violating School Board policy.

Volunteering to Perform Regular Work - Non-exempt employees may not volunteer to perform their regular work duties off-the-clock and without compensation. 29 U.S.C. §203(e)(4)(A). An employee must be paid even if he or she offers to do the work on his or her *own time*. Employees may not waive wage and hour law requirements.

Volunteering to Perform Services that Are Not the Same as Regular Work - Non-exempt employees may volunteer to perform services under these conditions:

1. The volunteer services are not the same as or similar to the employee’s regular work duties,
2. The employee offers the services freely and without coercion, and
3. The employee provides the services without promise of compensation although a volunteer may be paid “expenses, reasonable benefits, or a nominal fee to perform such services.” 29 U.S.C. §203(e)(4)(A), 29 C.F.R. §553.101 and 103.

fee is not nominal if it is a substitute for compensation or tied to productivity. 29 C.F.R. §553.106(e). While the specific circumstances in each case must be analyzed, the District will generally limit nominal pay to employees for volunteer services to no more than 20% of what the District would otherwise pay to hire an employee for the same services. See *Wage and Hour Opinion Letters* FLSA2005-51 (11/10/2005); FLSA2006-28 (8/7/2006); and FLSA2006-28 (10/7/2006).

Examples of Hours Worked for Non-Exempt Employees

Meal periods, unless the employee is completely relieved of all duties and free to leave the duty post for at least 30 minutes. Teacher aides who must supervise students during their lunch are not considered relieved of duties. Employees who eat at their desk and answer phones or otherwise perform work are not considered relieved of duties.

Attendance at inservices, meetings, or lectures, unless: (1) attendance is outside the employee's regular working hours, (2) attendance is voluntary, (3) the activity is not related to the employee's job, and (4) the employee performs no productive work for the District.

Coffee breaks or rest periods of 20 minutes or less.

Work done at home if the supervisor knows or should have known that such work was done.

Work done before or after regular hours or on weekends.

On-call time if the employee is required to remain on the employer's premises or so close that he/she is unable to use the time effectively for his/her own purposes while on-call.

Transporting material to a worksite before the start of the workday.

Time spent preparing for work, e.g., bus drivers doing safety checks before the route or securing the bus after the route.

Clean-up work at the end of a shift.

Travel time during the workday from one job site to another, e.g., non-exempt school nurses traveling from one school to another.

Travel time during the regular working hours, even if it is the weekend.

Attending a Board meeting at night either to take minutes or perform some other required or assigned duty.

Date Established: _____

Date Revised: 5/13/2014

Administrative Procedure - Fair Labor Standards Act 12-Step Compliance Checklist

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

The U.S. Dept. of Labor, Wage and Hour Division, administers the Fair Labor Standards Act (FLSA). It posts an encyclopedic amount of information on the FLSA on its website at: www.dol.gov/compliance/laws/comp-flsa.htm.

Checklist for compliance with the Fair Labor Standards Act (FLSA):

1. Classify employees as exempt or non-exempt.

Identify which employees are covered by the overtime requirements of the Fair Labor Standards Act (FLSA), i.e., “non-exempt,” and which employees are exempt from the overtime requirements. See Administrative Procedure 5:35-API, *Fair Labor Standards Act Exemptions*, for a list of school employees traditionally exempt and non-exempt. Include a record in each employee’s file stating whether he or she is exempt or non-exempt.

An exemption from the FLSA overtime pay/compensatory time requirements is the exception, rather than the rule. Any uncertainty should be resolved in favor of finding the employee to be non-exempt and the overtime compensable, as the burden is on the school system to prove that exemptions are applicable.

2. Make sure all employees have access to and understand the School Board policy and administrative procedures on the workweek, overtime, and compensatory time. See Board policy 5:35, *Compliance with the Fair Labor Standards Act*, and Administrative Procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*.

In addition, make sure that all employees:

- a. Are provided a copy of the Board policy or access to the Board policy published on-line;
- b. Acknowledge that they have received and understand the policy; and
- c. Agree to follow the policy and procedures or be subject to discipline.

3. Notify non-exempt employees of their expected work hours in a workweek.

Be clear that the salary of non-exempt employees is paid for a 40-hour workweek. Supervisors may regularly schedule employees to work 37.5 hours per week and leave the remainder as possible flexible time. However, to avoid the possibility of “straight-time” claims for hours worked between 37.5 and 40, supervisors need to clearly communicate that the District pays employees a salary for up to 40 hours of work and that the District retains the right to request that the employee perform additional duties up to 40 hours without additional pay.

4. Keep precise records of the hours worked by every non-exempt employee by using a good timesheet, time clock, computerized check-in system, or other method. Make sure individual employees keep and sign their weekly record of hours worked. Print an acknowledgment similar to the following on every time sheet: “I acknowledge that I have reviewed this time sheet and that it accurately records all of the time that I worked for the District on the dates indicated and that I did not work for the District at any other times during the workweek that are not recorded on this timesheet.”
5. Annually train District supervisory staff, as well as supervisors when first assigned supervisory duties, on FLSA compliance issues, including:
 - a. What counts as compensable work time (see Administrative Procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*);
 - b. How timesheets must be completed for non-exempt employees; and
 - c. Their duty to monitor timesheets and verify time worked.

6. Train all non-exempt staff when hired and regularly thereafter on the following topics:
 - a. Board policy requirements;
 - b. What counts as compensable time; and
 - c. How to complete timesheets correctly.
7. Require non-exempt employees who want to volunteer to execute a Volunteer Agreement. See Exhibit 5:35-E, *Volunteer Agreement Executed by a Non-Exempt Employee*.

Non-exempt employees may only volunteer to perform services on behalf of the school that do not involve the same types of duties they regularly perform in their jobs. Further, in order to be a bona fide volunteer, an employee must freely and voluntarily (i.e., without any direct or implied coercion or requirement) agree to perform the volunteer duties without compensation.

8. Have all non-exempt employees sign the following documents:
 - a. A statement that they were given a copy of the Board's policy on work time and have reviewed it, and that they understand violators may be subject to discipline; and
 - b. If applicable, an agreement that any overtime worked over 40 hours per week will be compensated with time and a half compensatory time rather than overtime pay (see Exhibit 5:310-E, *Agreement to Receive Compensatory Time-Off*).
9. Have supervisory, payroll, and business staffs monitor weekly time records.

Make sure that supervisory staff continuously monitors weekly time records for accuracy and completeness, and that they report all overtime worked by non-exempt staff to the finance office for either overtime pay or compensatory time credit.
10. Keep FLSA-required records for non-exempt and exempt employees. See Administrative Procedure 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act*.
11. Post all federal and State required employment posters.

Make sure that all employment posters are widely posted, e.g., in the teachers' lounge, school office, cafeteria kitchen, bus garage, janitor's closet, and other places where employees gather.
12. Consult the Board Attorney about FLSA compliance.

Date Established: _____

Date Revised: 5/13/2014

Exhibit - Volunteer Agreement Executed by a Non-Exempt Employee

I would like to serve as a volunteer for the School District. I understand that:

1. I may **not** volunteer to perform a job that is the same or similar job for which I am employed.
2. My time and service as a volunteer are given without promise, expectation, or receipt of any form of compensation, benefits, or other remuneration for this service.
3. My volunteer services are not being performed in the course and scope of my regular employment and are not in any way required by the School District.
4. Either the District or I may terminate my volunteer services at any time for any reason. My withdrawal will not affect my continued employment with the School District.

This agreement will continue in force until terminated by either the employee or School District.

Volunteer Signature

Date

Supervisor

Date

Communicable and Chronic Infectious Disease

The Superintendent or designee shall develop and implement procedures for managing known or suspected cases of a communicable and chronic infectious disease involving District employees that are consistent with State and federal law, Illinois Department of Public Health rules, and School Board policies.

An employee with a communicable or chronic infectious disease is encouraged to inform the Superintendent immediately and grant consent to being monitored by the District’s Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Superintendent concerning the employee’s conditions of employment and necessary accommodations. The Review Team shall hold the employee’s medical condition and records in strictest confidence, except to the extent allowed by law.

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position’s essential functions. An employee with a communicable and chronic infectious disease remains subject to the Board’s employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.; 29 C.F.R. §1630.1 et seq., amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325.
Rehabilitation Act of 1973, 29 U.S.C. §791; 34 C.F.R. §104.1 et seq.
Department of Public Health Act, 20 ILCS 2305/6.
105 ILCS 5/24-5.
Personnel Record Review Act, 820 ILCS 40/.
Control of Communicable Diseases, 77 Ill.Admin.Code Part 690.

CROSS REF.: 2:150 (Committees), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary Incapacity)

Date Est.: _____

Date Revised: June 23, 2015

Administrative Procedure: Maintenance of Precautionary Hygiene Procedures

Because infections can be present in blood or body fluid (vomitus, feces, urine, saliva, tears, nasal), schools should adopt routine procedures for handling blood or body fluids, regardless of whether children with HTLV-III/LAV infections (AIDS virus) are attending classes. Disposable gloves should be placed in every classroom, gym, and office and on every bus. A generous supply of paper products (i.e., paper towels, kleenex, etc.) should be available along with the gloves for use in cleaning body fluids. Direct skin contact with body fluids should be avoided whenever possible. Disposable gloves should be worn whenever contact with body fluids is anticipated. In the event that gloves are not readily available (i.e., emergency situations), hands should be washed with soap and hot water promptly after contact. Soiled surfaces should be promptly cleaned with disinfectants, such as household bleach (diluted 1 part bleach to 10 parts water) or phenolic compounds (Lysol). Disposable towels or tissues should be used whenever possible, and mops should be rinsed in the disinfectant. Those who are cleaning should avoid exposure of open skin lesions or mucous membranes to the blood or body fluids. Spilled body fluids, stained clothing, stained equipment and disposable gloves used to clean fluids should be discarded in plastic bags and removed from the school environment. Plastic bags containing body fluids, clothes, gloves or paper products soiled with body fluids should be incinerated if possible. Non-disposable items contaminated with blood or other body fluids should be rinsed and placed in plastic bags while awaiting cleaning. Clothing should be placed in a plastic bag and sent home for laundering. Clothing soaked with blood or body fluids should be washed as soon as practicable. General laundering procedures will suffice to destroy most infectious agents. If possible, it is advisable to add laundry bleach to the wash cycle in order to strengthen the disinfection process.

Ref:

Date Established: September, 1990

Date Revised: _____

Drug- and Alcohol-Free Workplace; Tobacco Prohibition

All District workplaces are drug- and alcohol-free workplaces. All employees are prohibited from engaging in any of the following activities while on District premises or while performing work for the District:

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectable, regardless of when and/or where the use occurred.
3. Possession or use of medical cannabis.

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

As a condition of employment, each employee shall:

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired.

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. The penalties that the District may impose upon employees for violations of this policy.

Tobacco Prohibition

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of tobacco products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event

regardless of the event's location. *Tobacco* shall have the meaning provided in section 10-20.5b of the School Code.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the School Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12114.
Compassionate Use of Medical Cannabis Pilot Program, 410 ILCS 130/.
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.
Drug-Free Workplace Act of 1988, 41 U.S.C. §8101 et seq.
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.
Drug-Free Workplace Act, 30 ILCS 580/.
105 ILCS 5/10-20.5b.

CROSS REF.: 8:30 (Visitors to and Conduct on School Property)

Date Established: 9/4/1990

Date Revised: 10/20/2015

ACKNOWLEDGEMENT OF RECEIPT OF
DRUG-FREE WORKPLACE POLICY AND RULES

I, _____, hereby acknowledge receipt of
(Print Name)
the District's Drug-Free Workplace Policy and Rules.

Employee's Signature

Date

Expenses

The School Board shall reimburse employees for expenses necessary for the performance of their duties which have been approved by the Superintendent. If the anticipated expense amount exceeds budgeted amounts, prior Board approval is required.

Employees must submit to the Superintendent an itemized, signed voucher showing the amount of actual expenses, attaching receipts to the voucher if possible.

LEGAL REF.: 105 ILCS 5/10-22.32.

Administrative Procedure: Expenses

Registration

When possible, registration fees will be paid by the District in advance.

Transportation

The least expensive transportation shall be used. Employees will be reimbursed for:

1. Air travel at the coach or single class commercial airline rate. Copies of airline tickets must be attached to the expense voucher.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach air fare. Copies of tickets will be attached to the expense voucher to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach air fare. Mileage for personal automobile use in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense voucher.
5. Taxis, airport limousines, or other local transportation costs.

Hotel/Motel Charges

Employees should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Other expenses incurred by employees will be reimbursed when specifically related to School District business. The expense voucher or hotel bill must explain the types of expenses incurred.

Employees shall pay personal expenses that are charged to hotel room bills at check-out. If this is not possible, deductions for the charges should be made on the expense voucher.

Meal Charges

Meal charges to the School District should represent "mid-fare" selections for the hotel/meeting facility or general area and generally should not exceed \$ 30.00 per day. Tips shall be included with the meal charges. Expense vouchers must explain the meal charges incurred.

Personal Charges

All personal travel costs must be excluded from the expense voucher.

JURY DUTY LEAVE

Any employee called for jury duty shall be given leave without loss of pay or benefits to serve his/her civic duty.

The employee shall notify his/her immediate supervisor as soon as possible following receipt of the notice.

The employee shall complete a jury duty leave request form, *Application for leave of absence*, and attach a copy of the Order to Appear, and submit both to his/her immediate supervisor.

The forms will be forwarded to the Office of the Superintendent for processing.

Ref: _____
Date Est. May 19, 1999
Date Revised _____

APPLICATION FOR LEAVE OF ABSENCE

DATE OF APPLICATION

DATES OF LEAVE

- CERTIFIED STAFF
- SUPPORT STAFF

NAME

- FULL DAY
- HALF DAY/ AM
- HALF DAY/ PM

- ASSOCIATION LEAVE**
- PROFESSIONAL LEAVE** Attach Travel Authorization

- LEAVE WITHOUT PAY**
State Reason for Leave _____

- JURY DUTY** Procedure 5:80 Please attach a copy of the Order to Appear

- ADVANCE SICK LEAVE**
State Reason for Leave _____

- BEREAVEMENT LEAVE**

For immediate family as defined in contract – up to 3 three days without deduction from sick leave

Other – One sick leave day (per occurrence) may be used for the death of a close friend or relative other than immediate family. Notice should be given as soon as possible.

- PERSONAL BUSINESS LEAVE** Procedure 5:25.43
CERTIFIED STAFF- Applicable Conditions: Teachers who desire leave must submit the required form of the Office of the Superintendent no later than three (3) school days prior to the date of the leave except in case of an emergency.

Personal business leave shall be used to attend to those items of pressing personal business or events which cannot be attended to other than during the work hours.

Personal leave shall not be used the first five (5) contract days, the last five (5) contract days, with the exception of the Superintendent’s approval for family weddings, family graduations, or legal business. Personal leave shall not be used on days immediately preceding or following a school vacation, holiday, recess period, or in conjunction with personal vacation day(s). This restriction shall not apply to organized religious holidays or for situations approved at the discretion of the Superintendent.

The number of teachers granted personal leave at any given time may be limited to three (3) per principal. The limitation is listed in this section as to advance notice of three (3) school days and/or to the number of teachers may be waived by the superintendent in an emergency situation, such as death or other compelling reasons.

Personal leave days (2) must be used before a request for leave without pay will be considered. Teachers who do not use either of their two Personal Leave Days will be able to add two days to their Sick Leave Days. Teachers who use only one Personal Leave Day will be able to add one day to their Sick Leave Days. Only whole days will be added to Sick Leave.

- PERSONAL BUSINESS LEAVE** Procedure 5:330.43
SUPPORT STAFF – Applicable Conditions: Support staff who desire leave must submit the required form to the Office of the Superintendent no later than three (3) school days prior to the date of the leave except in case of an emergency.

Personal business leave shall be used to attend to those items of pressing personal business or events which cannot be attended to other than during the work hours.

Personal leave shall not be used on days immediately proceeding or following a school vacation, holiday, recess period, or in conjunction with personal vacation day(s). This restriction shall not apply to organized religious holidays or for emergencies approved at the discretion of the Superintendent or designee.

Days allowed: Support staff who are assigned to work twelve months of the year and forty hours per week and support staff who are assigned and work at least 174 school days are entitled to two (2) personal business leave days. Support staff who are assigned and work less than 30 hours per week and at least 174 school days are entitled to (1) personal business leave day.

Personal leave days (2/1) must be used before a request for leave without pay will be considered.

SUPERVISOR’S ACKNOWLEDGEMENT

DATE

PRINCIPAL’S ACKNOWLEDGEMENT

DATE

- REQUEST APPROVED** **REQUEST DENIED**

SUPERINTENDENT’S SIGNATURE

DATE

COMMENTS

Abused and Neglected Child Reporting

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, shall: (1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606, and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made. The Superintendent or Building Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement.

Any District employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 800/843-5678, or online at www.cybertipline.com. The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made.

Any District employee who observes any act of hazing that does bodily harm to a student must report that act to the Building Principal, Superintendent, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Superintendent or Building Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.

Abused and Neglected Child Reporting Act (ANCRA), School Code, and Erin's Law Training

The Superintendent or designee shall provide staff development opportunities for District employees in the detection, reporting, and prevention of child abuse and neglect.

All District employees shall:

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Superintendent or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within one year of initial employment and at least every 5 years after that date.

The Superintendent will encourage all District educators to complete continuing professional development that addresses the traits and identifiers that may be evident in students who are victims of child sexual abuse, including recognizing and reporting child sexual abuse and providing appropriate follow-up and care for abused students as they return to the classroom setting.

Special Superintendent Responsibilities

The Superintendent shall execute the requirements in Board policy 5:150, *Personnel Records*, whenever another school district requests a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS.

The Superintendent shall notify the State Superintendent and the Regional Superintendent in writing when he or she has reasonable cause to believe that a license holder was dismissed or resigned from the District as a result of an act that made a child an abused or neglected child. The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder.

Special School Board Member Responsibilities

Each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in the Act, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse.

LEGAL REF.: 105 ILCS 5/10-21.9.
20 ILCS 1305/1-1 et seq.
20 ILCS 2435/.
325 ILCS 5/.
720 ILCS 5/12C-50.1.

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 5:20 (Workplace Harassment Prohibited), 5:100 (Staff Development Program), 5:120 (Ethics and Conduct), 5:150 (Personnel Records), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

Date Est.: _____

Date Revised: 2/16/2016

ADMINISTRATIVE PROCEDURE REPORTING CHILD ABUSE

CHILD ABUSE

Recognizing that child abuse is a potential danger and recognizing the legal obligations of the school, the following procedures should be followed in any case where child abuse is suspected.

A. The staff member suspecting the abuse must immediately report the case to the principal and the case should be appropriately investigated.

B. After investigation, if anyone involved feels there is evidence of abuse, the case must be reported to the Department of Children and Family Services. The principal or designated staff member will make the report.

C. Staff members should make notes in writing of any physical evidence that they might observe that might be indicative of child abuse.

D. Interviews by personnel from other agencies: "As a general rule, we advise that parental consent be obtained before allowing any person not employed by the school district to interview or interrogate a child. Through the delicate nature of child abuse neglect investigations, however, we recommend that an administrator sit in on the conference with the child. If the personnel from the Department of Children and Family Services or any other agency is insensitive or abusive in any manner, the school official may terminate the interview."

E. Other agencies taking student from the school campus: "Students should not be withdrawn from the school campus without authorization by some judicial authority. Before a child is removed from the school campus, an order granting custody to the Department of Children and Family Services should be required by the administration. The school district has a responsibility of maintaining control and supervision of the student while in custody of the school district."

Cross Ref.: 500.06

Date Est. Historical

Date Revised: _____

Staff Development Program

The Superintendent or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for licensed staff members shall be designed to effectuate the District and School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

The staff development program shall provide, at a minimum, at least once every 2 years, the in-service training of licensed school personnel and administrators on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

The staff development program shall provide, at a minimum, once every 2 years, the in-service training of all District staff on educator ethics, teacher-student conduct, and school employee-student conduct.

The Superintendent shall develop protocols for administering youth suicide awareness and prevention education to staff consistent with Board policy 7:290, *Suicide and Depression Awareness and Prevention*.

LEGAL REF.: 105 ILCS 5/2-3.62, 5/10-22.6(c-5), 5/10-22.39, 5/22-80(h), 5/10-23.12, 5/24-5, 25/1.15 and 110/3.

325 ILCS 5/4, Abused and Neglected Child Reporting Act.

745 ILCS 49/, Good Samaritan Act.

7 C.F.R. Part 210.

23 Ill.Admin.Code Part 525.

CROSS REF.: 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Environmental Quality of Buildings and Grounds), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Ethics and Conduct), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:160 (English Learners), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:285 (Food Allergy Management Program), 7:290 (Suicide and Depression Awareness and Prevention), 7:305 (Student Athlete Concussions and Head Injuries)

ADMIN PROC.: 4:160-AP (Environmental Quality of Buildings and Grounds), 4:170-AP6 (Plan for Responding to a Medical Emergency at an Indoor Physical Fitness Facility), 5:100-AP (Staff Development Program), 5:150-AP (Personnel Records), 6:120-AP4 (Care of Students with Diabetes), 7:250-AP1 (Measures to Control the Spread of Head Lice at School)

Date Est.: _____

Date Revised: 2/16/2016

Recognition For Service

The School Board will periodically recognize those District employees who contribute significantly to the educational programs and welfare of the students.

Ethics and Conduct

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy. Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.

The following employees must file a *Statement of Economic Interests* as required by the Illinois Governmental Ethics Act:

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts including collective bargaining agreement(s), in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

School Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. Students shall not be used in any manner for promoting a political candidate or issue.

Prohibited Interests, Limitation of Authority, and Outside Employment

In accordance with Section 22-5 of the School Code, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with the Illinois State Board of Education and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District.

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

Incorporated

by reference: 5:120-E (Code of Ethics for Illinois Educators)

LEGAL REF.: U.S. Constitution, First Amendment.
5 ILCS 420/4A-101 and 430/.
50 ILCS 135/.
105 ILCS 5/10-22.39 and 5/22-5.
775 ILCS 5/5A-102.
23 Ill.Admin.Code Part 22, Code of Ethics for Illinois Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), 5:100 (Staff Development Program)

Date Est.: _____

Date Revised: June 23, 2015

Administrative Procedure - Statement of Economic Interests for Employees

Date	Action
Upon initial employment	All employees who are required to file a statement of economic interests (see School Board policy 5:120, <i>Ethics and Conduct</i>) must file such a statement upon initial employment if employed by May 1. 5 ILCS 420/4A-105(c).
On or before February 1, annually	Superintendent or designee shall certify to the appropriate county clerks a list of names and addresses of employees who are required to file a statement of economic interests (see School Board policy 5:120, <i>Ethics and Conduct</i>). The list shall set out the names in alphabetical order by county of residence. The Superintendent or designee shall send the list to county clerks of the counties in which those employees reside, or if any employee resides outside of Illinois, to the county clerk of the county in which the District's principal office is located. 5 ILCS 420/4A-106.
On or before April 1, annually	County clerk of each county shall notify employees whose names have been certified to him or her of the requirements for filing statement of economic interests. 5 ILCS 420/4A-106.
On or before May 1, annually	All employees who are required to file a statement of economic interests (see Board policy 5:120, <i>Ethics and Conduct</i>) must file a statement of economic interests with the county clerk of the county in which the principal District office is located (5 ILCS 420/4A-106), unless he or she has already filed a statement in relation to the District within the calendar year. 5 ILCS 420/4A-105.
After January 1, 2011	<p>Any county clerk who uses a system of Internet-based filing of economic interest statements must: (1) provide the option to file by way of standardized form, (2) post the contents of statements, without filers' addresses, that were filed using the Internet on a publicly accessible website, and (3) otherwise comply with 5 ILCS 420/4A-108.</p> <p>The times for the filing of statements of economic interests set forth in Section 4A-105 must be followed in any system of Internet-based filing.</p>

Date Est.: _____

Date Revised: June 23, 2015

Administrative Procedure - Employee Conduct Standards

Professional and ethical behavior is expected of all District staff members. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health, safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action, up to and including dismissal. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control. In addition, each educator must comply with 5:120-E, *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education (23 Ill.Admin.Code Part 22).

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain a professional relationship with all students, both in and outside the school and attend all in-service trainings on educator ethics, teacher-student conduct, and school, employee-student conduct for all personnel (105 ILCS 5/10-22.39). Violations of this standard, include but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) engaging in harassing behavior; (c) soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student; and (d) furnishing tobacco, alcohol, or illegal/unauthorized substance to any student or allowing a student under his or her supervision to consume alcohol or an illegal/unauthorized substance.
4. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, hazing, substance abuse, and violence, and free from bias and discrimination. Violations of this standard include, but are not limited to: (a) using alcohol or illegal or unauthorized substances when on school property or at school-sponsored events, or whenever engaged in job responsibilities; (b) using or possessing medical cannabis in a school bus or on school grounds; (c) unless specifically permitted by the Firearm Concealed Carry Act, carrying a firearm on or into any District controlled building, real property, or parking area, or any transportation vehicle paid for in whole or in part with public funds; (d) failing to report suspected cases of child abuse or neglect or of gender harassment; (e) knowingly failing to report hazing to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement; and (f) failing to appropriately respond to a witnessed or reported incident of student-on-student bullying, harassment, hazing, or teen dating violence.
5. Comply with the Professional Testing Practices for Educators, prepared and published by the Illinois State Board of Education for educators who administer any standardized test (at www.isbe.net/assessment/pdfs/2014/isat/prof-test-prac14.pdf). This document contains numerous examples of actions that violate test security; actions that must not be part of test preparation; actions that must not occur during test administration; and actions that must be avoided when reporting test results.
6. Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) comingling District or school funds with personal funds or checking accounts; and (e) using school property without the approval of the supervising school official.

7. Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard, include but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.
8. Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.
9. Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39). Unethical conduct is any conduct that impairs the employee's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.
10. Comply with all State and federal laws and rules regulating public schools and School Board policies, including but not limited to: 2:105 (Ethics and Gift Ban), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:50 (Drug- and Alcohol-Free Workplace; Tobacco Prohibition), 5:60 (Expenses), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Ethics and Conduct), 5:130 (Responsibilities Concerning Internal Information), 5:140 (Solicitations By or From Staff), 5:170 (Copyright), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:230 (Maintaining Student Discipline), 5:280 (Duties and Qualifications), 5:290 (Employment Termination and Suspensions), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Discipline), 7:340 (Student Records), and 8:30 (Visitors to and Conduct on School Property).

Conviction of any employment disqualifying criminal offense listed in Section 5/10-21.9 or 5/21B-80 of the School Code will result in dismissal.

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

Date Established: _____

Date Revised: 10/21/2014

Exhibit - Code of Ethics for Illinois Educators

Code of Ethics for Illinois Educators, Illinois State Board of Education (23 Ill.Admin.Code §22.20)

a) Responsibility to Students

The Illinois educator is committed to creating, promoting, and implementing a learning environment that is accessible to each student, enables students to achieve the highest academic potential, and maximizes their ability to succeed in academic and employment settings as a responsible member of society. Illinois educators:

- 1) Embody the Standards for the School Support Personnel Endorsements (23 Ill.Adm.Code 23), the Illinois Professional Teaching Standards (23 Ill.Adm.Code 24, 130), and Standards for Administrative Endorsements (23 Ill.Adm.Code 29), as applicable to the educator, in the learning environment;
- 2) Respect the inherent dignity and worth of each student by assuring that the learning environment is characterized by respect and equal opportunity for each student, regardless of race, color, national origin, sex, sexual orientation, disability, religion, language or socio-economic status;
- 3) Maintain a professional relationship with students at all times;
- 4) Provide a curriculum based on high expectations for each student that addresses individual differences through the design, implementation, and adaptation of effective instruction; and
- 5) Foster in each student the development of attributes that will enhance skills and knowledge necessary to be a contributing member of society.

b) Responsibility to Self

Illinois educators are committed to establishing high professional standards for their practice and striving to meet these standards through their performance. Illinois educators:

- 1) Assume responsibility and accountability for their performance and continually strive to demonstrate proficiency and understanding of current trends in both content knowledge and professional practice;
- 2) Develop and implement personal and professional goals with attention to professional standards through a process of self-assessment and professional development;
- 3) Represent their professional credentials and qualifications accurately; and
- 4) Demonstrate a high level of professional judgment.

c) Responsibility to Colleagues and the Profession

The Illinois educator is committed to collaborating with school and district colleagues and other professionals in the interest of student learning. Illinois educators:

- 1) Collaborate with colleagues in their respective schools and districts to meet local and State educational standards;
- 2) Work together to create a respectful, professional, and supportive school climate that allows all educators to maintain their individual professional integrity;
- 3) Seek out and engage in activities that contribute to the ongoing development of the profession;
- 4) Promote participation in educational decision-making processes;
- 5) Encourage promising candidates to enter the education profession; and
- 6) Support the preparation, induction, mentoring, and professional development of educators.

d) Responsibility to Parents, Families and Communities

The Illinois educator will collaborate, build trust, and respect confidentiality with parents, families, and communities to create effective instruction and learning environments for each student. Illinois educators:

- 1) Aspire to understand and respect the values and traditions of the diversity represented in the community and in their learning environments;
- 2) Encourage and advocate for fair and equal educational opportunities for each student;
- 3) Develop and maintain professional relationships with parents, families, and communities;
- 4) Promote collaboration and support student learning through regular and meaningful communication with parents, families, and communities; and
- 5) Cooperate with community agencies that provide resources and services to enhance the learning environment.

e) Responsibility to the Illinois State Board of Education

Illinois educators are committed to compliance with the School Code [105 ILCS 5] and its implementing regulations, and to State and federal laws and regulations relevant to their profession. Illinois educators:

- 1) Provide accurate communication to the Illinois State Board of Education concerning all educator licensure matters;
- 2) Maintain appropriate educator licensure for employment; and
- 3) Comply with State and federal laws and regulations.

Date Est.: _____

Date Revised: June 23, 2015

Personal Technology and Social Media; Usage and Conduct

Definitions

Includes - Means “includes without limitation” or “includes, but is not limited to.”

Social media - Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes *Facebook*, *LinkedIn*, *MySpace*, *Twitter*, and *YouTube*.

Personal technology - Any device that is not owned or leased by the District or otherwise authorized for District use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes laptop computers (e.g., laptops, ultrabooks, and chromebooks), tablets (e.g., iPads®, Kindle®, Microsoft Surface®, and other Android® platform or Windows® devices), smartphones (e.g., iPhone®, BlackBerry®, Android® platform phones, and Windows Phone®), and other devices (e.g., iPod®).

Usage and Conduct

All District employees who use personal technology and social media shall:

1. Adhere to the high standards for appropriate school relationships required by policy 5:120, *Ethics and Conduct* at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policy 5:20, *Workplace Harassment Prohibited*; 5:120, *Ethics and Conduct*; 6:235, *Access to Electronic Networks*; 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a District-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Comply with policy 5:130, *Responsibilities Concerning Internal Information*. This means that personal technology and social media may not be used to share, publish, or transmit information about or images of students and/or District employees without proper approval. For District employees, proper approval may include implied consent under the circumstances.
5. Refrain from using the District’s logos without permission and follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.
6. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
7. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students’ viewing of inappropriate Internet materials through the District employee’s personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees’ personal technology and social media.
8. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.

The Superintendent shall:

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Board policy 5:120, *Ethics and Conduct*.
2. Direct Building Principals to annually:
 - a. Provide their building staff with a copy of this policy.
 - b. Inform their building staff about the importance of maintaining high standards in their school relationships.
 - c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
3. Build awareness of this policy with students, parents, and the community.
4. Ensure that no one for the District, or on its behalf, requests of an employee or applicant access in any manner to his or her social networking website or requests passwords to such sites.
5. Periodically review this policy and any procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

LEGAL REF.: 105 ILCS 5/21B-75 and 5/21B-80.
Ill. Human Rights Act, 775 ILCS 5/5A-102.
Code of Ethics for Ill. Educators, 23 Ill.Admin.Code §22.20.
Garcetti v. Ceballos, 547 U.S. 410 (2006).
Pickering v. High School Dist. 205, 391 U.S. 563 (1968).
Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:120 (Ethics and Conduct), 5:130 (Responsibilities Concerning Internal Information), 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

Date Established: _____

Date Revised: 5/13/2014

Exhibit - Employee Receipt of Board Policy on Personal Technology and Social Media

I, the individual whose signature appears below, acknowledge receipt of the Board policy 5:125, *Personal Technology and Social Media; Usage and Conduct*. I affirm that I have read the policy and agree to comply with its requirements.

Name (*please print*)

Signature

Date

Responsibilities Concerning Internal Information

District employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: student school records, personnel records, and the minutes of, and material disclosed in, a closed School Board meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the District or used by the District or its employees. The Superintendent or designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

LEGAL REF.: Family Educational and Privacy Rights Act, 20 U.S.C. §1232g.
 Uses and Disclosures of Protected Health Information; General Rules, 45 C.F.R. §164.502.
 Ill. Freedom of Information Act, 5 ILCS 140/.
 Local Records Act, 50 ILCS 205/.
 105 ILCS 10/.
 Personnel Record Review Act, 820 ILCS 40/.

CROSS REF.: 2:140 (Communications To and From the Board), 2:250 (Access to District Public
 Records), 5:150 (Personnel Records), 7:340 (Student Records)

Date Established: _____

Date Revised: 1/20/2015

Solicitations by or from Staff

District employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Superintendent.

Date Established: _____

Date Revised: _____

Personnel Records

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. No one else may have access to an employee's personnel files and personal information except for: (1) a supervisor or management employee who has an employment or business-related reason to inspect the record, or (2) anyone who has the employee's written consent.

The School District will only confirm position and dates of employment when requested for information about a District employee. An employee who would like the District to release additional information about their employment must submit a written request to the Superintendent or designee.

LEGAL REF.: 820 ILCS 40/1 et seq.
 23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District's Public Records), 7:340 (Student Records)

REF: IASB
Date Established _____
Date Revised February 19, 2008

Administrative Procedure - Personnel Records

Applicant Records

Records for a successful employment applicant are maintained with the individual's employment records. Records for an unsuccessful employment applicant are maintained for no less than 5 years from the application date. Applicant records include the following if received by the District:

Employment application forms

Transcripts

Previous work experience

References

Such other relevant information as the District desires of applicants for screening purposes

Personnel Records

Personnel records for all employees include:

Pre-employment records, including verification of past employment

Dates of employment

Valid certificate and/or evidence of required credentials for services being performed

Records maintained pursuant to Internal Revenue Service regulations

Criminal background investigation history and report

Form I-9 required by the Immigration and Naturalization Service under the Immigration Reform and Control Act

Payroll information and deductions, including all records required to be kept by 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act* (29 C.F.R. §§516.2 and 516.3)

Records maintained for the Illinois Teachers' Retirement System or the Illinois Municipal Retirement System

Credit release information

Sick leave, leaves of absence, personal leave, and vacation data (where appropriate)

Salary schedule data

Relevant health and medical records, including the verification of freedom from tuberculosis required by The School Code (105 ILCS 5/24-5)

Personnel documents that have been or are intended to be used in determining an employee's qualification for promotion, transfer, discharge, or disciplinary action except as provided in 820 ILCS 40/10

Supervisory evaluations

Promotions

Awards received

Disciplinary actions

Letter of resignation or retirement

Notice of discharge

Any additional information the District deems to be relevant

In addition to the above, personnel records for all professional personnel include:

Valid certificate for services being performed

Copies of official transcripts required by The School Code (105 ILCS 5/24-23)

Transcripts of graduate work completed

Verification of past teaching experience, if any

Record of in-service work completed

Employment records shall be maintained permanently for all District employees and former employees unless the Local Records Commission's approval is obtained to dispose of them.

Restrictions on Information that May Be Kept

The District will not gather or keep a record of an employee's associations, political activities, publications, communications, or non-employment activities, unless the employee submits the information in writing or authorizes the District in writing to keep or gather such records. However, the District may gather or keep records in an employee's personnel file concerning activities occurring on the District's premises or during the employee's working hours that: (1) interfere with the performance of the employee's duties or activities, or those of other employees, regardless of when and where occurring, (2) constitute criminal conduct or may reasonably be expected to harm the District's property, operations or educational process, or programs, or (3) could, by the employee's actions, cause the District financial liability.

Records identifying an employee as the subject of an investigation by the Department of Children and Family Services shall not be kept if such investigation resulted in an unfounded report as specified in the Abused and Neglected Child Reporting Act.

Access to Employee Records and Correction Requests

An employee is granted access to his or her personnel records according to provisions in the Personnel Record Review Act, 820 ILCS 40/0.01 *et seq.*, and any relevant provisions in an applicable collective bargaining agreement. According to the Review Act, an employee is granted access to his or her personnel records at least 2 times in a calendar year at reasonable intervals. Unless otherwise indicated in an applicable bargaining agreement, access to the employee's personnel records shall be according to the following guidelines:

1. The employee must submit a written inspection request to the Superintendent or the Superintendent's designee.
2. The Superintendent or designee will provide the employee the opportunity for inspection within 7 working days after the request. If such deadline cannot reasonably be met, the District will have an additional 7 days to comply.
3. The employee will inspect the personnel record at the District's administrative office during normal working hours or at another time mutually convenient to the employee and the Superintendent or designee.
4. Inspection of personnel records will be conducted under the supervision of an administrative staff member.
5. Neither an employee nor his or her designated representative will have access to records which are treated as exceptions in the Illinois Personnel Record Review Act discussed below.
6. The employee may copy material maintained in his or her personnel record. Payment for record copying shall be based on the District's actual costs of duplication.
7. The employee may not remove any part of his or her personnel records from his or her file or may not remove any part of his or her personnel records from the District's administrative office.
8. Should the employee demonstrate his or her inability to inspect his or her personnel records in person, the District will mail a copy of (a) specific record(s) upon written request.
9. Should the employee be involved in a current grievance against the District or involved in any other contemplated proceedings against the District, the employee may designate in writing a representative who has the authority to inspect the personnel records under the same rights as the employee.
10. If the employee disagrees with any information contained in the personnel record, a removal or correction of that information may be mutually agreed upon by the employer and employee. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The District will attach the employee's statement to the disputed portion of the personnel record and the statement shall be included whenever that disputed record is released to a third party as

long as the disputed record is part of the employee's personnel file. Inclusion of any written statement attached to the disputed record in an employee's personnel file without any further comment or action by the District will not imply or create any presumption that the District agrees with the statement's contents.

Requests by Third Parties

Before the District divulges disciplinary reports, letters of reprimand, or records of other disciplinary action to a third party, to a party who is a part of the employer's organization, or to a party who is a part of a labor organization representing the employee, the District will provide the employee with a written notice. The written notice to the employee will be mailed to the employee's last known address and will be mailed on or before the day the information is divulged to any of the aforementioned parties.

No such written notice will be required if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

When the District receives a written request for personnel records from a third party, the District shall review the requested records and, before releasing the records to the third party to inspect and copy such records, the District shall delete disciplinary reports, letters of reprimand or other records of disciplinary action which are more than 4 years old, unless the release is ordered to a party in a legal action or arbitration.

Restriction on Employee Access

Section 10 of the Illinois Personnel Record Review Act provides that the right of the employee or the employee's designated representative to inspect his or her personnel records does not extend to:

1. Letters of reference for that employee.
2. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.
3. Materials relating to the employer's staff planning, such as matters relating to the District's development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.
4. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
5. Records relevant to any other pending claim between the District and employee which may be discovered in a judicial proceeding.
6. Investigatory or security records maintained by the District to investigate criminal conduct by an employee or other activity by the employee which could reasonably be expected to harm the District's property, operations, or education process or programs, or could by the employee's activity cause the District financial liability, unless and until the District takes adverse personnel action based on information in such records.
7. LEGAL REF.: 820 ILCS 40/1 et seq.
23 Ill.Admin.Code §1.660.

Release of Credit Information

The School District will only confirm employment when requested for credit information about a District employee.

An employee wanting employment and salary or wage information released must request so in writing and an administrator must sign the released materials.

Copyright for Publication or Sale of Instructional Materials and Computer Programs Developed by Employees

Instructional Materials

All instructional materials developed by an employee within the scope of employment with the District shall be classified "works for hire" and are the District's property. The District is entitled to all proceeds from the sale of "works for hire" other than computer programs.

The employee must provide the District with prior written notification of his or her intention to publish any instructional materials developed within the scope of employment. In no case shall notification be made any later than 20 business days prior to entering into a contract for publication with a publishing firm or with a manufacturer. The District has the exclusive right to register the copyrights for such instructional materials. Unless the employee specifically states in writing to the contrary, the employee warrants that any instructional materials developed and submitted to the District for publication are original.

Computer Programs

The employee who develops a computer program is entitled to a share of the proceeds from its sale as agreed to by the District. Neither the employee nor the District may receive more than 90% of the proceeds. The negotiation may be conducted by an employee's representative.

"Proceeds" are the profits after deducting expenses and shall be computed by the District. The proceeds of a computer program developed by more than one employee shall be equitably distributed among such employees, in proportion to their participation in the program's development, and the District.

Copyright Compliance

While staff members may use appropriate supplementary materials, it is each staff member's responsibility to abide by the District's copyright compliance procedures and to obey the copyright laws. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. The District is not responsible for any violations of the copyright laws by its staff or students. A staff member should contact the Superintendent, or the person designated as the copyright compliance officer, whenever the staff member is uncertain about whether using or copying material complies with the District's procedures or is permissible under the law, or wants assistance on when and how to obtain proper authorization. At no time shall it be necessary for a District staff member to violate copyright laws in order to properly perform his or her duties.

LEGAL REF.: Federal Copyright Law of 1976, 17 U.S.C. § 101 et seq.
105 ILCS 5/10-23.10.

CROSS REF.: 6:235 (Access to Electronic Networks)

Administrative Procedure - Copyright Compliance

These guidelines help staff members determine if they may use non-original work freely or whether permission is needed to use or copy it. Whenever a staff member is uncertain, has questions, or needs permission from a copyright-owner to use or copy a work, he or she should contact the Superintendent or designated copyright compliance officer.

1. Is the work copyright protected? *A “no” means you may use the work freely; a “yes” or uncertain answer means you should proceed with the second query.*
 - a. No, if it is in the public domain. (See Appendix A)
 - b. No, if it is a U.S. Government publication.
 - c. No, if it is an idea or method described in copyrighted work.
 - d. The presence of a copyright notice is not determinative.
 - e. Yes, almost all other works.
2. Do you want to exercise one of the copyright owner’s exclusive rights? *A “yes” or uncertain answer means you should proceed with the third query.*
 - a. Yes, if you plan to copy the work.
 - b. Yes, if you plan to use the work as the basis for a new work.
 - c. Yes, if you plan to electronically distribute or publish copies.
 - d. Yes, if you plan to perform music, prose, poetry, a drama, or play a video or audio tape or a CD-ROM.
 - e. Yes, if the plan is to publicly display the work.
3. Does your planned use of the work require the copyright owner’s permission? *A “no” means you may use the work, provided that any copies contain the copyright notice as it appears in the original work; a “yes” or uncertain answer means you should contact the Superintendent or designated copyright compliance officer.*
 - a. No, if your planned use of printed work is within the “fair use” exception (17 U.S.C. § 107).
 Staff members should follow the Guidelines for Classroom Copying of Books and Periodicals (Appendix B). The application of these Guidelines to software is problematic; thus, copying software in lieu of purchasing it is prohibited, unless authorized by these procedures or by the Superintendent or designated copyright compliance officer.
 - b. No, if your planned use of the work is within the “library’s special rules” exception (17 U.S.C. § 108).
 - A library may make a single copy (containing the notice of copyright present on the original work) for the purpose of archiving lost, stolen, damaged, or deteriorating works.
 - A library may make a single copy (containing the notice of copyright present on the original work) for a student or staff member at no more than the actual cost of photocopying, provided that the library finds that the copyrighted work cannot be obtained elsewhere at a fair price.
 - c. No, if your planned use of the work is within the “educational performances and displays” exception (17 U.S.C. § 110).
 Performances by teachers or students are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner. (See Appendix C)
 - d. No, if you plan to use it in an overhead or opaque projector for instructional purposes.
 - e. No, if you plan to copy and use music for academic purposes, other than performance.
 - f. Yes, notwithstanding the above, if you plan to create anthologies, compilations, or collective works.

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- g. Yes, notwithstanding the above, if copies will be "consumed" during the course. "Consumable" works include: workbooks, exercises, standardized tests, test booklets, and answer sheets.
 - h. Yes, notwithstanding the above, if you plan to substitute copies for the purchase of the work; likewise, if you yearly copy the same item.
 - i. You must receive permission from the Superintendent or designated copyright compliance officer before showing the off-air recording of television programs, video rentals, or videos purchased for home use. (See Appendix D, off-air recordings) You must follow any applicable license agreements.
 - j. You must receive permission from the Superintendent or designated copyright compliance officer before using any non-District-owned software and/or CD-ROM products in District-owned equipment. No one may install or download any program on District-owned equipment without the Superintendent or designee's permission.
 - k. You must follow licensing agreements applicable to District-owned software and CD-ROM products.
 - Licensing agreements with the manufacturer and vendor shall be followed.
 - Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment, to avoid the installation of privately purchased software on school equipment, and to avoid the use of single copy software or CD-ROM products across a network with multiple users unless the applicable license agreement permits.
 - A back-up copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the district shall make a back-up program in accordance with the terms of the applicable licensing agreement or 17 U.S.C. § 117.

Appendix A: Public Domain

Created 1-1-78 or after	Work that is fixed in a tangible medium of expression is in public domain after the author's life plus 70 years (or, if the work has corporate authorship, the shorter of 95 years from publication, or 120 years after creation).
Published before 1923	Currently in public domain.
Published from 1923 - 1963	Material that was published with a copyright notice remained protected for 28 years after its first publication; copyright could be renewed for up to 67 years. If not so renewed, now in public domain.
Published from 1964 - 1977	Material that was published with a copyright notice remains protected for 28 years after its first publication; copyright protection was automatically extended for additional 67 years.
Created before 1-1-78, but not published	Work that was created, but not published, during this time is in the public domain after author's life plus 70 years or 12-31-2002, whichever is greater.
Created before 1-1-78, but published between then and 12-31-2002	Work that was created and published during this time is in the public domain after the author's life plus 70 years or 12-31-2047, whichever is greater.

Appendix B: Guidelines for Classroom Copying of Books and Periodicals

The following guidelines state the minimum standards of educational fair use under Section 107 of The Copyright Act.

I. Single Copying for Teachers

A single copy may be made of any of the following or any part thereof by or for any faculty or staff member at his or her individual request:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

II. Multiple Copies for Classroom Use:

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the faculty giving the course for classroom use or discussion, provided that:

- A. The copying meets the brevity and spontaneity tests as defined below; and
- B. Meets the cumulative effect test as defined below; and
- C. Each copy includes a notice of copyright.

Definitions

A. Brevity

- i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.

- iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- iv) "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

B. Spontaneity

- i) The copying is at the instance and inspiration of the individual teacher, and
- ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

C. Cumulative Effect

- i) The copying of the material is for only one course in the school in which the copies are made.
- ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

III. Prohibitions on “Single Copying for Teachers” and “Multiple Copies for Classroom Use” (I and II above)

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying may not be used to create or to replace or substitute for anthologies, compilations or collective works. A prohibited replacement or substitution occurs regardless of whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
- B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C. Copying shall not:
 1. substitute for the purchase of books, publisher's reprints or periodicals;
 2. be directed by higher authority; or
 3. be repeated with respect to the same item by the same teacher from term to term.
- D. No charge may be made to the student beyond the actual cost of the photocopying.

Appendix C: Performance Rules

The following do not violate copyright laws (17 U.S.C. 110):

1. performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made;
2. performance of a nondramatic literary or musical work or display of a work, by or in the course of a transmission, if - (A) the performance or display is a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution; and (B) the performance or display is directly related and of material assistance to the teaching content of the transmission; and (C) the transmission is made primarily for - (i) reception in classrooms or similar places normally devoted to instruction, or (ii) reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction, or (iii) reception by officers or employees of governmental bodies as a part of their official duties or employment;
3. performance of a nondramatic literary or musical work or of a dramatic-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly;
4. performance of a nondramatic literary or musical work otherwise than in a transmission to the public, without any purpose of direct or indirect commercial advantage and without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers, if - (A) there is no direct or indirect admission charge; or (B) the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain, except where the copyright owner has served notice of objection to the performance under the following conditions; (i) the notice shall be in writing and signed by the copyright owner or such owner's duly authorized agent; and (ii) the notice shall be served on the person responsible for the performance at least seven days before the date of the performance, and shall state the reasons for the objection; and (iii) the notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation;
5. communication of a transmission embodying a performance or display of a work by the public reception of the transmission on a single receiving apparatus of a kind commonly used in private homes, unless - (A) a direct charge is made to see or hear the transmission; or (B) the transmission thus received is further transmitted to the public;
6. performance of a nondramatic musical work by a governmental body or a nonprofit agricultural or horticultural organization, in the course of an annual agricultural or horticultural fair or exhibition conducted by such body or organization; the exemption provided by this clause shall extend to any liability for copyright infringement that would otherwise be imposed on such body or organization, under doctrines of vicarious liability or related infringement, for a performance by a concessionaire, business establishment, or other person at such fair or exhibition, but shall not excuse any such person from liability for the performance;
7. performance of a nondramatic musical work by a vending establishment open to the public at large without any direct or indirect admission charge, where the sole purpose of the performance is to promote the retail sale of copies or phonorecords of the work, and the performance is not transmitted beyond the place where the establishment is located and is within the immediate area where the sale is occurring;

-
8. performance of a nondramatic literary work, by or in the course of a transmission specifically designed for and primarily directed to blind or other handicapped persons who are unable to read normal printed material as a result of their handicap, or deaf or other handicapped persons who are unable to hear the aural signals accompanying a transmission of visual signals, if the performance is made without any purpose of direct or indirect commercial advantage and its transmission is made through the facilities of: (i) a governmental body; or (ii) a noncommercial educational broadcast station (as defined in section 397 of title 47); or (iii) a radio subcarrier authorization (as defined in 47 CFR 73.293-73.295 and 73.593-73.595); or (iv) a cable system (as defined in section 111(f));
 9. performance on a single occasion of a dramatic literary work published at least ten years before the date of the performance, by or in the course of a transmission specifically designed for and primarily directed to blind or other handicapped persons who are unable to read normal printed material as a result of their handicap, if the performance is made without any purpose of direct or indirect commercial advantage and its transmission is made through the facilities of a radio subcarrier authorization referred to in clause (8)(iii), provided that the provisions of this clause shall not be applicable to more than one performance of the same work by the same performers or under the auspices of the same organization; and
 10. notwithstanding paragraph (4), the following is not an infringement of copyright: performance of a nondramatic literary or musical work in the course of a social function which is organized and promoted by a nonprofit veterans' organization or a nonprofit fraternal organization to which the general public is not invited, but not including the invitees of the organizations, if the proceeds from the performance, after deducting the reasonable costs of producing the performance, are used exclusively for charitable purposes and not for financial gain. For purposes of this section the social functions of any college or university fraternity or sorority shall not be included unless the social function is held solely to raise funds for a specific charitable purpose.

Appendix D: Off-Air Recordings

1. The guidelines were developed to apply only to off-air recording by non-profit educational institutions (reprinted from the House Report 97-495, pp. 8-9).
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable transmission) and retained by a non-profit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
3. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) day calendar day retention period. "School days" are school session days - not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions - within the forty-five (45) calendar day retention period.
4. Off-air recordings may be made only at the request of, and used by, individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
6. After the first ten (10) consecutive school days, off-air recording may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Administrative Procedure - Seeking Permission to Copy or Use Copyrighted Works

1. For a part of a book or a journal article, contact the Copyright Clearance Center ("CCC" Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, Phone 978/750-8400, FAX 978/750-4470, www.copyright.com).
2. For images, contact the Artists Rights Foundation (7920 Sunset Boulevard, Suite 260, Los Angeles, CA 90046, Phone 303/436-5060, FAX 323/436-5061, www.artistsrights.org), American Society of Media Photographers (14 West Washington Road, Suite 502, Princeton Junction, NJ 08550-1033, Phone 609/799-8300, FAX 609/779-2233, www.asmp.org), or other professional photography organizations.
3. If the author owns the copyright in a contribution to a periodical, magazine, or newspaper, permission may be obtained through UnCover (The UnCover Company, 3801 East Florida Avenue, #200, Denver, CO 80210, Phone 303/758-3030, FAX 303/758-5946, uncweb.carl.org), which handles rights for the Publication Rights Clearinghouse, a collective-licensing agency representing such writers' groups as The National Writers Union (Chicago Local 12, P.O. Box 2537, Chicago, IL 60690, Phone 312/348-1300, www.nwu.org), and the Society of Children's Book Writers and Illustrators (345 North Maple Drive, Suite 296, Beverly Hills, CA 90210, Phone 310/859-9887, FAX 310/859-4877 www.scbwi.org), among others.
4. For a musical work, contact Ascap (One Lincoln Plaza, New York, NY 10023, Phone 212/621-6000, www.ascap.com), BMI (Broadcast Music Incorporated, 320 West 57th Street, New York, NY 10019-3790, Phone 212/586-2000, www.bmi.com/home/licensing), or Sesac (Mark Lancaster, 55 Music Square East, Nashville, TN 37203, Phone 800/826-9996, www.sesac.com).
5. If you want to record and distribute a musical composition recorded by someone else, or synchronize music with visual images, contact The Harry Fox Agency, Inc (National Music Publishers Association, 711 Third Avenue, 8th Floor, New York, NY 10017, Phone 212/370-5330, FAX 212/953-2384, www.nmpa.org).

Music Research Consultants' web page (8033 Sunset Boulevard, Los Angeles, CA 90046, Phone 213/650-7616, FAX 213/650-3805, www.musicresearch.com) contains links to publishers, record labels, music rights agencies, and more. This is a good place to gather contact information. If you know the name of an artist, album, song, or label, the All-Music Guide allows you to search for information.

6. Play Rights

Samuel French, Inc.
45 West 25th Street
NY, NY 10010-2751
Phone: 212/206-8990
Fax: 212/206-1429
www.samuel french.com

Baker's Plays
100 Chauncy Street
Boston, MA 02111-1783
Phone: 617/482-1280
Fax: 617/482-7613
www.bakersplays.com

Anchorage Press (Plays for young people)
PO Box 8067
New Orleans, LA 70182
Phone: 504/283-8868
Fax: 504/866-0502

Dramatists Play Service, Inc.
440 Park Avenue South
NY, NY 10016
Phone: 212/683-8960
Fax: 212/213-1539
www.dramatists.com

7. News Archives

Check the World Wide Web. Many of the largest news organizations have placed archives of their back issues online.

8. Movies

The Motion Picture Licensing Corporation (5455 Centinela Avenue, Los Angeles CA 90066-6970, Phone 800/462-8855, FAX 310/822-4440, www.mplc.com) grants public performance rights. If you know who the author and the publisher are, you can contact them directly. If you do not know who the publisher is, The Literary Marketplace (for books) or Ulrich's International Periodicals (for journals), both published by the R. R. Bowker Company, may help you. University of Texas at Austin's Harry Ransom Humanities Research Center (Phone 512/471-9119, www.utexas.edu), provides extremely helpful information about how to find copyright owners.

9. Changed Owner

The apparent copyright owner may not be the real copyright owner. The U.S. Copyright Office of Internet Resources, (www.loc.gov/copyright), provides online searching of its registration records and performs professional searches for a fee.

10. Confirming to Grant Permission

Whenever it is unclear who the owner is, or if the owner is a legal entity of some kind (a business or organization), be sure that the person giving you permission is authorized to do so.

11. Written Permission

Once you know whom to ask, initiate contact by writing a letter, calling, or emailing. Seek written permission that clearly describes its scope.

If you receive oral permission, document the conversation and send the owner a confirming letter.

12. Software

Contact the software's manufacturer at the address given on the licensing agreement.

13. Unidentifiable or Unresponsive Owner

A copyright protects materials regardless of whether the owner cares about protection or not. Thus, if required permission cannot be obtained, the work may not be used.

**DAKOTA COMMUNITY UNIT SCHOOL DISTRICT #201
DAKOTA, ILLINOIS**

COPYRIGHT PROTECTION ACKNOWLEDGEMENT

The purpose of this Acknowledgement is to state the intention to maintain, respect, and honor the integrity of copyright materials (including, without limitation, films, tapes, music, computer software, and printed materials) in the possession of Dakota Community Unit School District 201 ("School District") and used by the staff of said School District. By signing this Acknowledgement, each staff member of said School District acknowledges his/her awareness of copyright protections, and his/her personal responsibility for honoring the same.

ACKNOWLEDGEMENT

NAME: _____
SITE: _____
DATE: _____
SCHOOL YEAR: _____

The undersigned hereby acknowledges and states that being in possession of and using the following materials received from the Dakota Community Unit School District No. 201, the undersigned will not copy, duplicate, or disseminate, any of the materials in any unlawful or unauthorized way, in violation of the material owner's copyright protection. Please use additional sheet(s) for listing other materials:

MATERIALS: _____

The undersigned further acknowledges that as an employee, teacher, or other staff member of the School District, the undersigned will make every reasonable effort to abide by copyright laws effecting any materials or other information obtained from said School District in the performance of employment duties.

This Acknowledgment shall remain in effect indefinitely. Dakota Community Unit School District No. 201 may request that any employee sign any new or additional Acknowledgement at any time.

Signature

Tax Identification Number

The undersigned acknowledges receipt of an exact copy of this instrument on _____

COMPUTER/TECHNOLOGY PURCHASE PROGRAM

The Board of Education of Dakota Community Unit District #201 understands the importance of computers and computer technology in today's world, and believes that District employees should be knowledgeable about, and proficient in the use of computer technology, hardware and software. Such knowledge and proficiency will assist employees in the efficient performance of their duties for the District, and benefit the students of the District as the students are exposed to, and assisted by, a more knowledgeable District staff. To assist the District's employees in obtaining and maintaining the desired knowledge and proficiency, the Board of Education has established a computer/technology purchase program, as follows:

A. The District periodically will provide a list of computer hardware, software, and accessories, eligible for purchase by District employees under this program. The list, which may be revised periodically, will include information on acceptable models, programs, and accessories available, the specifications for models and programs, and the estimated costs of purchase (including shipping charges and sales, transfer, or use taxes). The purchase of desks or computer-related furniture is not authorized under this program.

B. On or before October 1 of each fiscal year of the District, an employee may request the purchase of authorized hardware, software, or accessories by submitting a written request on a form acceptable to the District. Each request will be promptly reviewed and approved by the Superintendent or his/her designee. If a request is not approved, the employee will be notified, with the reason for any rejection given. The Program shall not be available to any employee whose compensation is subject to a prior assignment or garnishment at the time the employee intends to purchase items through the program.

C. Upon approval of an employee's request, the employee shall (i) sign a Promissory Note in a form acceptable to the District; (ii) sign a Compensation Deduction Authorization in a form acceptable to the District; (iii) sign a Copyright Agreement in a form acceptable to the District (if the Employee has not previously executed a Copyright Agreement form); and (iv) pay the sales, use, or transfer taxes due on the designated purchase.

D. Principal balance due on any Promissory Note under this Program for each participating employee shall not exceed \$2600. at any time unless prior approval is obtained from the Board of Education. No interest shall be charged or collected under the Promissory Note.

E. The Promissory Note Re-payment and Compensation Deduction shall be based on the following:

(1) Teachers: The initial principal balance prorated, with a compensation deduction over twenty-six (26) consecutive pay periods beginning in September and ending in the following August. Deductions from compensation shall commence with the first pay period after the purchase occurs, and the principal balance must be paid in full by the last day of the following August, so the prorated amount per pay period may be greater if the purchase occurs later in the program year. If a teacher's employment with the District ends (for any reason), the remaining principal balance must be paid in full by the teacher to the District on or before the date of the last compensation payment from the District to the teacher, or said balance will be deducted from the final compensation payment due the teacher, if allowed by law.

(2) Twelve-Month Support Staff: The initial principal balance prorated, with a compensation deduction over twenty-six (26) consecutive pay periods beginning in July and ending in the following June. Deductions from compensation shall commence with the first pay period after the purchase occurs, and the principal balance must be paid in full by the last day of the following June, so the prorated amount per pay period may be greater if the purchase occurs later in the program. If an employee's employment with the District ends (for any reason), the remaining principal balance must be paid in full by the employee to the District on or before the date of the last compensation payment from the District to the employee, or said balance will be deducted from the final compensation payment due the employee, if allowed by law.

(3) Other Support staff (less than 12-month): The principal balance shall be amortized or prorated with a compensation deduction commencing with the second pay period in September and continuing through the first pay period in the following June. The principal balance must be paid in full by the last day of the following June, so the prorated amount per pay period may be greater if the purchase occurs later in the program year. If an employee's employment with the District ends (for any reason), the remaining principal balance must be paid in full by the employee to the District on or before the date of the last compensation payment from the District to the employee, or said balance will be deducted from the final compensation payment due the employee, if allowed by law.

F. By participating in the Program, each employee agrees to be responsible for the reasonable maintenance of each purchased item, and agrees to comply with or be responsible for any warranty requirements or service requirements.

This policy and Purchase Program shall remain in effect for the District indefinitely.

Established _____

Revised 8/23/04

DAKOTA COMMUNITY UNIT DISTRICT #201
DAKOTA, ILLINOIS

COMPUTER PURCHASE DEDUCTION AUTHORIZATION
WAGE ASSIGNMENT

EMPLOYER: Dakota Community Unit School District #201

EMPLOYEE: _____

EMPLOYEE PAYROLL NUMBER: _____

EMPLOYEE'S TAX IDENTIFICATION NO. _____
S.S. #

The undersigned Employee, hereby authorizes and directs the Dakota Community Unit School District #201, as Employer, to deduct \$ _____ from each regular compensation payment due the undersigned as Employee, commencing _____ (initial pay period) and continuing through _____ (final pay period), or until the principal balance due the Employer under the Promissory Note of even date herewith, is paid in full, whichever first shall occur.

The undersigned further authorizes and directs the Dakota Community Unit School District #201 to deduct any remaining principal balance due from the final compensation payment due the undersigned as Employee, if authorized by law, in the event of termination of employment (for any reason), but only if the remaining principal balance of said Promissory Note is not paid in full by the undersigned upon request of the holder of said Promissory Note before the payment of the final compensation to the undersigned is made.

The undersigned agrees that if the assignment made hereby should be determined to be an amount not authorized by law, the amount of the deduction authorized by this Assignment shall be adjusted to the maximum amount authorized by law, and this Authorization/Assignment shall remain in full force and effect, with any principal balance remaining on the date of final payment paid by the undersigned directly.

This Authorization and **WAGE ASSIGNMENT** is made pursuant to the Computer/Technology Purchase Program of the Dakota Community Unit School District #201.

Dated: _____
Employee

The undersigned acknowledges receipt of an exact copy of this instrument on _____

(NOTE: The obligor/wage-earner must be given an exact copy of the Authorization/Assignment at the time it is signed.)

DAKOTA COMMUNITY UNIT DISTRICT #201
DAKOTA, ILLINOIS

PROMISSORY NOTE
COMPUTER/TECHNOLOGY PURCHASE PROGRAM

The undersigned, _____, an employee of Dakota Community Unit School District #201, Dakota, Illinois ("School District #201") promises to pay to the order of School District #201, the principal sum of \$ _____, without interest. Payments under this Promissory Note shall be made according to the Computer-Technology Purchase Deduction Authorization Form attached to, and incorporated by reference in, this Promissory Note. Full payment of principal shall be made by the undersigned on or before _____.

The undersigned agrees that if his/her employment with School District #201 ends for any reason, all unpaid principal remaining on this Promissory Note shall become immediately due and payable on demand from the holder of this Promissory Note.

In the event of defaults in payment, and if a legal action must be commenced to collect the unpaid principal, after default and non-payment upon demand, the undersigned agrees to pay the holder's costs of collection, including reasonable attorney's fees, to be determined by a Court of competent jurisdiction and added to the principal balance due hereunder.

This authorization and Promissory Note is made pursuant to the Computer/Technology Purchase Program of the Dakota Community Unit School District #201.

Dated: _____
_____ Employee

The undersigned acknowledges receipt of an exact copy of this instrument on _____

Employee and Public Access to computers and Networked Information Resources

Philosophy

With the spread of telecommunications throughout the modern work place, the Board recognizes that employees and the public will shift the ways they share ideas, transmit information and contact others. As people are connected to the global community, their use of new tools and systems brings new responsibilities as well as opportunities.

The Board expects that all employees will learn to use electronic mail and telecommunications tools and apply them daily in appropriate ways to the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent to provide staff with training in the proper and effective use of telecommunications and electronic mail.

Communication over networks should not be considered private. Network supervision and maintenance may require review and inspection of directories or messages. Messages may sometimes be diverted accidentally to a destination other than the one intended. Privacy in these communications is not guaranteed.

The district reserves the right to access stored records in cases where there is reasonable cause to expect wrongdoing or misuse of the system. Courts have ruled that old messages may be subpoenaed, and network supervisors may examine communications in order to ascertain compliance with network guidelines for acceptable use.

The Board directs the Superintendent to specify those behaviors which are permitted and those which are not permitted, and those which are not permitted, as well as appropriate procedures to guide employee and public use. In general, employees are expected to communicate in a professional manner consistent with state laws governing the behavior of school employees and with federal laws governing copyrights. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

The Board encourages faculty and staff to make use of telecommunications to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that the new systems will expedite the sharing of effective practices and lessons across the district and will help faculty and staff stay on the leading edge of practice by forming partnerships with others across the nation and around the world.

Ref: _____

Date Est.: June 18, 1996

Date Revised: _____

DAKOTA COMMUNITY UNIT DISTRICT #201
DAKOTA, ILLINOIS

Employee and Public Computer Use and Networked Information Contract

Each user must sign the following contract before permission to use the Dakota Community Unit School District 201 computer system(s) will be given.

1. The use of the computer network, computer system(s), Internet access, software, and related items is a privilege, not a right.
2. It is the user's responsibility to treat the system(s), equipment, and software with care and to report instances of abuse or misuse as soon as he/she becomes aware. Each user is expected to report any malfunction or problem immediately upon discovery to the teacher or supervisor.
3. If a user vandalizes or otherwise deliberately damages any of the hardware or software belonging to the District, the user is responsible to pay for the repair or replacement of the damaged items.
4. If user loads software which results in damage to the District's hardware or software, the user will be responsible for any damage which occurs. The user may also be liable for prosecution under copyright laws.
5. If a user tampers with or tries to gain access to computer system information to which he/she has no right, the user will immediately lose system privileges and may be subject to further disciplinary action.
6. Food and drink will be restricted from all areas involving computers. If a user violates this restriction immediate suspension from computers will result.
7. If a user is acting with unacceptable behavior, immediate suspension and/or future use of the computer system(s) may be denied.
 - a. Examples of unacceptable use: using the network for illegal activity including violation of copyright or other contracts; unauthorized downloading of software; use for private financial or commercial gain; wastefully using resources; such as file space; using another users account or password; posting anonymous memos; using inappropriate language, or using a system while access privileges are suspended.
8. The District assumes no responsibility for unauthorized charges or fees resulting from unacceptable use of the computer system(s).

9. Access to the Internet is designed for educational purposes and Dakota Community Unit District 201 has taken available precautions to eliminate controversial material. However, employees and the public should recognize that it is impossible to control all material on an unregulated Network and a user may discover inappropriate material.

I understand and will abide by the above Computer Use Contract. I further understand that should I commit any violations, my access privileges may be revoked and school disciplinary action and/or appropriate legal action may be taken. In consideration for using the Dakota Computer System(s) and having access to public networks, I hereby release the School District and its Board members, employees, and agents from any claims and damages arising from my use, or inability to use the system(s)

User Signature

Date

Ref: _____

Date Est.: June 18, 1996

Date Revised: _____

Temporary Illness or Temporary Incapacity

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will be deducted from the District's compensation liability to the employee. The School Board's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of his or her gross salary. Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

If illness, incapacity, or any other condition causes a teacher or other licensed employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may begin dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Superintendent may recommend this paragraph's use when circumstances strongly suggest that the teacher or other licensed employee returned to work intermittently in order to avoid this paragraph's application. This paragraph shall not be considered a limitation on the Board's authority to take any action concerning an employee that is authorized by State and federal law.

Any employee may be required to have an examination, at the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervisor to perform health examinations if the examination is job-related and consistent with business necessity.

- LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12102.
105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.
Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965).
School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987).

CROSS REF.: 5:30 (Hiring Process and Criteria), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

Date Est.: _____

Date Revised: June 23, 2015

Family and Medical Leave

Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act. The U.S. Department of Labor's rules (federal rules) implementing FMLA, as they may be amended from time to time, control FMLA leave.

An eligible employee may take FMLA leave for up to a combined total of 12 weeks each 12-month period, beginning September 1 and ending August 31 of the next year.

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember (defined in the federal rules) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered servicemember begins.

While FMLA leave is normally unpaid, the District will substitute an employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave. All policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been required to work, including summer break, winter break and spring break, is not counted against the employee's FMLA leave entitlement.

FMLA leave is available in one or more of the following instances:

1. The birth and first-year care of a son or daughter.
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child, or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or has been notified of an impending call or order to active duty, as provided by federal rules.
6. To care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness, as provided by federal rules.

If spouses are employed by the District, they may together take only 12-weeks for FMLA leaves when the reason for the leave is 1 or 2, above, or to care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above.

An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with federal rules.

Eligibility

To be eligible for FMLA leave, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, one of the following provisions must describe the employee:

1. The employee has been employed by the District for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard
- 2.

or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.

3. The employee is a full-time classroom teacher.

Requesting Leave

If the need for the FMLA leave is foreseeable, an employee must provide the Superintendent or designee with at least 30 days' advance notice before the leave is to begin. If 30 days' advance notice is not practicable, the notice must be given as soon as practicable. The employee shall make a reasonable effort to schedule a planned medical treatment so as not to disrupt the District's operations, subject to the approval of the health care provider administering the treatment. The employee shall provide at least verbal notice sufficient to make the Superintendent or designee aware that he or she needs FMLA leave, and the anticipated timing and duration of the leave. Failure to give the required notice for a foreseeable leave may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Certification

Within 15 calendar days after the Superintendent or designee makes a request for certification for a FMLA leave, an employee must provide one of the following:

1. When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a complete and sufficient certificate signed by the family member's health care provider.
2. When the leave is due to the employee's own serious health condition, the employee must provide a complete and sufficient certificate signed by the employee's health care provider.
3. When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a complete and sufficient certificate signed by an authorized health care provider for the covered servicemember.
4. When the leave is because of a qualified exigency, the employee must provide: (a) a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status, and the dates of the covered military member's active duty service, and (b) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested.

The District may require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification.

The District may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) District receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to the District within 15 calendar days after the request. The District may request recertification every 6 months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of 6 months.

Failure to furnish a complete and sufficient certification on forms provided by the District may result in a denial of the leave request.

Continuation of Health Benefits

During FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. A District's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the District notifies the employee at least 15 days before coverage will cease.

Changed Circumstances and Intent to Return

An employee must provide the Superintendent or designee reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Superintendent or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for 8 consecutive weeks whether he or she intends to return to work.

Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work.

An employee returning from FMLA leave will be given an equivalent position to his or her position before the leave, subject to: (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) the District's reassignment policies and practices.

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by the FMLA regulations.

Implementation

The Superintendent or designee shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA; and (2) this policy is implemented in accordance with the FMLA. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations.

LEGAL REF.: Family and Medical Leave Act, 29 U.S.C. §2601 et seq., 29 C.F.R. Part 825.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:310 (Compensatory Time-Off), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

Date Established: _____

Date Revised: 1/20/2015

Administrative Procedure - Resource Guide for Family and Medical Leave

Web Resources

Compilation of resources from the U.S. Dept. of Labor, Wage & Hour Division

www.dol.gov/whd/fmla

Revised FMLA Poster

www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf

Certification of Health Care Provider for Employee's Serious Health Condition (App. B)

www.dol.gov/whd/forms/WH-380-E.pdf

Certification of Health Care Provider for Family Member's Serious Health Condition (App. B)

www.dol.gov/whd/forms/WH-380-F.pdf

Notice of Eligibility and Rights & Responsibilities (App. C)

www.dol.gov/whd/forms/WH-381.pdf

Designation Notice (App. E)

www.dol.gov/whd/forms/WH-382.pdf

Certification of Qualifying Exigency For Military Family Leave (PDF) (App. G)

www.dol.gov/whd/forms/WH-384.pdf

Certification for Serious Injury or Illness of Covered Servicemember -- for Military Family Leave (App. H)

www.dol.gov/whd/forms/WH-385.pdf

Fact Sheet #28 (Non-Military) (PDF)

www.dol.gov/whd/regs/compliance/whdfs28.htm

Fact Sheet #28A (Military) (PDF)

www.dol.gov/whd/regs/compliance/whdfs28a.htm

Department of Labor Rules

29 C.F.R. Part 825, ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title29/29cfr825_main_02.tpl

Subpart A - Coverage Under the Family and Medical Leave Act §825.100

§825.101	Purpose of the Act
§825.102	Definitions
§825.103	[Reserved]
§825.104	Covered employer
§825.105	Counting employees for determining coverage
§825.106	Joint employer coverage
§825.107	Successor in interest coverage
§825.108	Public agency coverage
§825.109	Federal agency coverage
§825.110	Eligible employees
§825.111	Determining whether 50 employees are employed within 75 miles
§825.112	Qualifying reasons for leave, general rule
§825.113	Serious health condition
§825.114	Inpatient care
§825.115	Continuing treatment
§§825.116-118	[Reserved]
§825.119	Leave for treatment of substance abuse
§825.120	Leave for pregnancy or birth
§825.121	Leave for adoption or foster care

- §825.122 Definitions of spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on active duty or call to active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember
- §825.123 Unable to perform the functions of the position
- §825.124 Needed to care for a family member or covered servicemember
- §825.125 Definition of health care provider
- §825.126 Leave because of a qualifying exigency
- §825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave)

Subpart B - Employee Leave Entitlements Under the Family and Medical Leave Act

- §825.200 Amount of leave
- §825.201 Leave to care for a parent
- §825.202 Intermittent leave or reduced leave schedule
- §825.203 Scheduling of intermittent or reduced schedule leave
- §825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave
- §825.205 Increments of FMLA leave for intermittent or reduced schedule leave
- §825.206 Interaction with the FLSA
- §825.207 Substitution of paid leave
- §825.208 [Reserved]
- §825.209 Maintenance of employee benefits
- §825.210 Employee payment of group health benefit premiums
- §825.211 Maintenance of benefits under multi-employer health plans
- §825.212 Employee failure to pay health plan premium payments
- §825.213 Employer recovery of benefit costs
- §825.214 Employee right to reinstatement
- §825.215 Equivalent position
- §825.216 Limitations on an employee's right to reinstatement
- §825.217 Key employee, general rule
- §825.218 Substantial and grievous economic injury
- §825.219 Rights of a key employee
- §825.220 Protection for employees who request leave or otherwise assert FMLA rights

Subpart C - Employee and Employer Rights and Obligations Under the Act

- §825.300 Employer notice requirements
- §825.301 Designation of FMLA leave
- §825.302 Employee notice requirements for foreseeable FMLA leave
- §825.303 Employee notice requirements for unforeseeable FMLA leave
- §825.304 Employee failure to provide notice
- §825.305 Certification, general rule
- §825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member
- §825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions
- §825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member
- §825.309 Certification for leave taken because of a qualifying exigency
- §825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave)

- §825.311 Intent to return to work
- §825.312 Fitness-for-duty certification
- §825.313 Failure to provide certification

Subpart D - Enforcement Mechanisms

- §825.400 Enforcement, general rules
- §825.401 Filing a complaint with the Federal Government
- §825.402 Violations of the posting requirement
- §825.403 Appealing the assessment of a penalty for willful violation of the posting requirement
- §825.404 Consequences for an employer when not paying the penalty assessment after a final order is issued

Subpart E - Recordkeeping Requirements

- §825.500 Recordkeeping requirements

Subpart F - Special Rules Applicable to Employees of Schools

- §825.600 Special rules for school employees, definitions
- §825.601 Special rules for school employees, limitations on intermittent leave
- §825.602 Special rules for school employees, limitations on leave near the end of an academic term
- §825.603 Special rules for school employees, duration of FMLA leave
- §825.604 Special rules for school employees, restoration to an equivalent position

Subpart G - Effect of Other Laws, Employer Practices, and Collective Bargaining Agreements on Employee Rights Under FMLA

- §825.700 Interaction with employer's policies
- §825.701 Interaction with State laws
- §825.702 Interaction with Federal and State anti-discrimination laws

Date Established: _____

Date Revised: 1/20/2015

Emergency and Personal Business Leave

Leave for 2 personal business days will be granted according to the following conditions: religious holidays, court summons, deaths other than in the immediate family, wedding in the immediate family, moving or any other absence not due to illness, over which the employee has little or no control. Such leave time will not be cumulative. (The request for the absence shall be submitted to the principal in writing at least 3 days prior to the day of absence.) Days cannot be taken just prior to holidays or vacation days or the first 5 contract days and/or the last 5 contract days of school. ***Half day emergency and personal leave may be granted. Unused personal leave days will be accumulated as accumulated sick leave. Half days will not be accumulated.***

Ref: Historical
Date Established: April, 1985
Date Revised: April 7, 2005

Sick Leave Policy For All Personnel

The school board shall grant teachers and other employees' sick leave provisions that are not less in amount than 10 days at full pay in each school year. Twelve month Educational Support Personnel employees will be eligible for 12 sick days per year. If any such teacher or employee does not use the full amount of annual leave thus allowed, the unused amount shall accumulate indefinitely at full pay, including the leave of the current year. Sick leave shall be interpreted to mean personal illness, quarantine at home or serious illness or death in the "immediate family" (shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians, The Illinois School Code, section 24-6, 1983) or household. The school board may require a physician's certificate, or if the treatment is by prayer or spiritual means, that of a spiritual advisor or practitioner of such person's faith, as a basis for pay during leave after an absence of three (3) days for personal illness, or as it may deem necessary in other cases.

Ref: Historical
Date Established: April, 1985
Date Revised: September, 1990
Cross Ref: 523

Sick Leave Bank Policy - Certified Staff-

Philosophy: That provision be made to benefit teachers who are suffering a hardship due to needing more sick leave days than they have been able to accumulate. The intent of the policy is to enable staff members to benefit other staff members in time of need.

Requirements:

1. The first year each certified staff member would contribute two (2) sick leave days to a district-wide sick leave bank. In subsequent years each certified staff member would be required to contribute days to maintain a balance of 181 days. No more than one day per year per employee would be contributed without a referendum of the certified staff participating.
2. If a teacher does not participate when the bank starts, he or she may not join later.
3. Any teacher new to the district will be required to contribute two (2) days to the bank his/her first year.
4. In order to benefit, the teacher would have to have exhausted all accumulated sick leave and would have to have been absent from duties for at least five (5) days as a consequence of the illness or disability.
5. The illness or disability must have caused absence from employment at least ten consecutive working days or at least 20 total days, whichever is lesser.
6. A qualified certified staff member may draw two times the number of his or her own accumulated sick days from the bank. The computation date shall be the first day of the school calendar each year. Total available days from the bank cannot exceed 90 days during any calendar year for any individual. For purposes of this computation the first day of the calendar year shall be the first workday missed due to the disability or illness.

Example:	Accumulated Sick Days	25
	Available from SL Bank	50
	Total Available Days	75
7. In order to qualify for the benefit of sick days from the sick leave bank the teacher would have to provide the following:
 - (a) A doctor's certification that the teacher has an illness which prevents the teacher from performing teaching duties.
 - (b) An application completed and submitted to a review committee. The review committee will be made up of the superintendent and representatives from each building. The committee would review the doctor's certification and application and determine the qualification for sick leave from the sick leave bank.
 - (c) After any individual has been out 15 work days and has begun to use days from the bank, the doctor's certification and application must be resubmitted and reviewed by the committee. The same process is followed after each 15 day period.
8. Under no circumstances will sick leave credit be taken out of the sick leave bank to be used toward teacher retirement credit.
9. The bank should be applicable only to the illness of the teacher for which sick leave is defined and would not be applicable to the serious illness or death of any other person.

10. The bank would not be applicable for vasectomies, tubal ligations, cosmetic surgery or any surgery or procedure which could be safely deferred until a vacation period.
11. Each teacher will sign an affidavit authorizing the contribution of sick leave, two days the first year and one day in any year thereafter to maintain the accumulation of 181 days in the bank. Each teacher would also sign a hold harmless agreement that would insure the school district and its agents against any future claims or law suits relating to sick leave bank contributions. The committee shall likewise be held harmless from any liability relating to its decisions on sick leave bank applications.

Ref: Historical
Date Established April, 1985
Date Revised

Teacher Qualifications

A teacher, as the term is used in this policy, refers to a District employee who is required to be licensed under State law. The following qualifications apply:

1. Each teacher must:
 - a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code.
 - b. Provide the District Office with a complete transcript of credits earned in institutions of higher education.
 - c. On or before September 1 of each year, unless otherwise provided in an applicable collective bargaining agreement, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
 - d. Notify the Superintendent of any change in the teacher's transcript.
2. All teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be *highly qualified* for those assignments as determined by State and federal law.

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately licensed and *highly qualified* for their assignments;
 2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers; and
 3. Ensure parents/guardians of students in schools receiving Title I funds are notified: (a) of their right to request their students' classroom teachers' professional qualifications, and (b) whenever their child is assigned to, or has been taught for 4 or more consecutive weeks by, a teacher who is not *highly qualified*.
- LEGAL REF.: 20 U.S.C. §6319.
34 C.F.R. §200.55, 56, 57, and 61.
105 ILCS 5/10-20.15, 5/21-11.4, 5/21B-20, and 5/24-23.
23 Ill.Admin.Code §1.610 et seq., §1.705 et seq., and Part 25.
 - CROSS REF.: 6:170 (Title I Programs)

Date Established: _____

Date Revised: 5/13/2014

Exhibit - Letter to Teacher Who Is Not *Highly Qualified*

On District letterhead

Date

Re: Your Roadmap for Becoming a *Highly Qualified* Teacher

Dear [insert teacher's name]:

Teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) are required to be *highly qualified* for those assignments. The criteria contained in 23 Ill.Admin.Code Part 25, Appendix D determine if a teacher is highly qualified. See www.ilga.gov/commission/jcar/admincode/023/02300025ZZ9996dR.html. For more information about No Child Left Behind (NCLB), see the Ill. State Board of Education's materials, available at www.isbe.net/nclb/htmls/edquality.htm.

Our records indicate you are teaching without being *highly qualified*. Please contact your Building Principal as soon as possible to cooperatively develop the ISBE-required *Roadmap for Each Not Highly Qualified Teacher*. If you believe this letter was sent to you by mistake, please contact your Building Principal as soon as possible so that we may correct our records if appropriate.

Sincerely,

Superintendent

Date Established: _____

Date Revised: 5/13/2014

Terms and Conditions of Employment and Dismissal

The School Board delegates authority and responsibility to the Superintendent to manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable collective bargaining agreement in effect. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff.

School Year and Day

Teachers shall work according to the school calendar adopted by the Board, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days. Teachers are not required to work on legal school holidays unless the District has followed applicable State law that allows it to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); February 12 (the Birthday of President Abraham Lincoln); the first Monday in March (known as Casimir Pulaski's birthday); the second Monday in October (Columbus Day); and November 11 (Veterans' Day).

Teachers are required to work the school day adopted by the Board. Teachers employed for at least 4 hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer.

The District accommodates employees who are nursing mothers according to provisions in State and federal law.

Salary

Teachers shall be paid according to the salary schedule adopted by the Board, but in no case less than the minimum salary provided by the School Code. Teachers shall be paid at least monthly on a 10- or 12-month basis.

Assignments and Transfers

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. In order of priority, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

Dismissal

The District will follow State law when dismissing a teacher.

Evaluation

The District's teacher evaluation system will be conducted under the plan developed pursuant to State law.

On an annual basis, the Superintendent will provide the Board with a written report which outlines the results of the District's teacher evaluation system.

LEGAL REF.: 105 ILCS 5/10-19, 5/18-8, 5/22.4, 5/24-16.5, 5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.
820 ILCS 260/1 et seq.
23 Ill.Admin.Code Parts 50 (Evaluation of Certified Employees) and 51 (Dismissal of Tenured Teachers).
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487(1985).

CROSS REF.: 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

Date Established: _____

Date Revised: 1/21/2014

PROFESSIONAL PERSONNEL EARLY RETIREMENT OPTION (ERO)

During the 1999-2005 contract years, a teacher may elect to participate in the early retirement option without discount program as provided for in the Teachers' Retirement System (TRS) as provided for by Illinois State Law, 40ILCS 5/16-133.2. Such an election to participate by a teacher may obligate the Board of Education, Dakota Community Unit District 201 to make a one-time, non-refundable contribution to TRS. All definitions are subject to TRS rules and State of Illinois law.

- A. To be eligible to participate in this program, the teacher shall:
1. Have an effective date of retirement on or before June 30, 2005;
 2. Be at least 55 and not older than 59 years of age at the time of retirement;
 3. Have 20 or more, but less than 35 years of service at the time of retirement;
 4. Submit to the Office of the Superintendent a written letter of resignation including the effective date of resignation by January 12 of the applicable year; and,
 5. Make final application to TRS within 6 months of the last day of teaching for which retirement contributions were required.
- B. Subject to the general conditions set forth in Paragraph A above, the teacher's and Board of Education's contributions shall be according to the Illinois School Code. The contribution(s) is a percentage of the highest annual salary rate in the years used to calculate the average salary.
- C. The salary for a year is equal to creditable earnings. Creditable earnings is equal to the salary plus Board of Education paid contributions to TRS.
- D. All applicable provisions of the pension code shall not be applicable until all contributions have been received by TRS. The date of such contribution does not effect the date of retirement.
- E. The Board of Education limits the number of teachers who may retire under this program to 30% of those eligible to participate for any year 1999-2005. When the computation of 30% of the teachers eligible to participate is a fractional number, the fraction shall be deemed to represent one (1) teacher.
- F. For purposes of the 30% limitation set forth in Paragraph E above, the right to participate shall be allocated on the basis of seniority. Seniority shall be defined as years of continuous service. Periods of leave of absence do not interrupt service but are not included in determining length of service.
- G. Participants electing the ERO may not participate in another early retirement option or incentive which may be instituted in the 1999-2005 contract years as developed by TRS.
- H. This plan of action is effective upon adoption by the Board of Education

REFERENCE: Robbins, Schwartz, Nicholas, Lifton and Taylor Ltd.

Date Established: February 21, 1989

Date Revised: September 22, 1998, Oct. 20, 1998

Substitute Teachers

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold either a valid teaching or substitute license and may teach in the place of a licensed teacher who is under contract with the Board. There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows:

1. A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 school days.
2. A teacher holding a Professional Educator License or Educator License with Stipulations may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 school days.

The Illinois Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.

Emergency Situations

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education within 5 business days after the employment of a substitute teacher in an emergency situation.

LEGAL REF.: 105 ILCS 5/21B-20(3) and 24-5.
23 Ill.Admin.Code §25.520.

CROSS REF.: 5:30 (Hiring Process and Criteria)

Date Established: _____

Date Revised: 1/20/2015

Administrative Procedure - Substitute Teachers

Minimum Qualifications of the Substitute Teacher

1. Substitute teachers are required to have one of the following that is valid in Illinois:
 - a. Professional educator license or professional educator license with stipulations that required a bachelor's degree for issuance
 - b. Substitute teaching license
2. Substitute teachers shall have each of the following documents on file with the District Administrative Office.
 - a. Completed application for employment and transcript of college credits
 - b. Evidence of license registration
 - c. Evidence of physical fitness to perform assigned duties and freedom from communicable disease
 - d. State and federal tax forms
 - e. If applicable, Immigration and Naturalization Service, Form I-9
 - f. Signed *Acknowledgement of Mandated Reporter Status* form provided by DCFS and, if applicable, evidence that the individual completed mandated reporter training within one year of initial employment and at least every 5 years after that date (required by the Abused and Neglected Child Reporting Act, 325 ILCS 5/4, amended by P.A. 98-408)

Contact ISBE, the ROE, or Intermediate Service Center with questions.

District Responsibilities

1. The Superintendent or designee maintains a list of substitute teachers in the District Administrative Office.
2. The Superintendent or designee verifies:
 - a. Criminal background check results
 - b. Appropriate license and registration
 - c. References and employment verification

Additional Requirements and Procedures

1. Board policy 4:175, *Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notification*
2. Administrative procedure 4:175-AP, *Criminal Offender Notification Laws; Screening*
3. Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*
4. Board policy 5:30, *Hiring Process and Criteria*
5. Administrative procedure 5:30-AP2, *Investigations*
6. Board policy 5:150, *Personnel Records*

More information is on the ISBE website, Substitute Teacher License at www.isbe.net/licensure/html/substitute.htm

Standard Duties of the Substitute Teacher

1. Keep and leave a status report of lesson plans completed and leave a report of the group's accomplishments.
2. Manage all recording of assignments and grading during the time worked as outlined in the applicable collective bargaining agreement or duties for substitute teachers.
3. Prepare plans for the following day's work.
4. Follow the regular teacher's lesson plans.
5. Leave the classroom and its equipment in order.
6. Leave a note reporting any unusual experience with a student during the day.

7. Hold as confidential any information concerning staff, parents, or students.
8. Be consistent in dealing with others; emphasize the positive, yet be firm and sympathetic.
9. When notified in time, arrive at least 20 minutes before the school period starts, and remain on duty at least 20 minutes after dismissal time.
10. Check with the office when reporting for substitute duty, and check with the office before leaving to see if you will be needed the next day.
11. If temporarily or permanently withdrawing from substitute work, so inform the District office.
12. Report any issues you encounter to the Building Principal.

Compensation

1. The rate of pay for substitute teachers is established from time-to-time by the School Board.
2. Substitute teachers are employed and paid for only days actually worked. Substitutes are not paid for holidays, vacation days, or days of illness.

Assignment Procedures

Substitute teachers will be called as needed from the office of the Building Principal. Only individuals who are on the substitute teacher list, as compiled by the Superintendent or designee, may be called for substitute work. Substitute teachers are given as much notice as possible; however in emergency situations, they will be called the morning they are needed.

Building Level Responsibilities

The person arranging for a substitute teacher's service shall provide each substitute with the information relevant to the service, for example:

1. District map with locations of District schools indicated
2. District and school building emergency procedures, location of emergency equipment, etc.
3. School directory
4. School calendar and handbook
5. District student discipline policy and procedures

LEGAL REF.: 105 ILCS 5/21B-20(3).
23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teacher License).

Date Est.: _____

Date Revised: June 23, 2015

Maintaining Student Discipline

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student. If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students; a student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods which may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property.

LEGAL REF.: 105 ILCS 5/24-24.

CROSS REF.: 7:190 (Student Discipline)

Ref:

Date Established: _____

Date Revised: _____

Suspension

Suspension Without Pay

The School Board may suspend without pay: (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the School District includes:

- Insubordination, including any failure to follow an oral or written directive from a supervisor;
- Violation of Board policy or Administrative Procedure;
- Conduct that disrupts or may disrupt the educational program or process;
- Conduct that violates any State or federal law that relates to the employee's duties; and
- Other sufficient causes.

The Superintendent or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Board or Board-appointed hearing examiner before it is imposed. At the request of the professional employee made within 5 calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next regularly scheduled meeting.

Suspension With Pay

The Board or Superintendent or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the School District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the School District as defined above, or (3) pending a Board hearing to suspend a teacher without pay.

The Superintendent shall meet with the employee to present the allegations and give the employee an opportunity to refute the charges. The employee will be told the dates and times the suspension will begin and end.

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to the District all compensation and the value of all benefits received by him or her during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 5 ILCS 430/5-60(b).
 105 ILCS 5/24-12.
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487 (1985).
Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill., 1975).
Massie v. East St. Louis School District No.189, 561 N.E.2d 246 (Ill.App.5, 1990).

CROSS REF.: 5:290 (Educational Support Personnel - Employment Termination and Suspensions)

Date Established: _____

Date Revised: 5/13/2014

Leaves of Absence

Each of the provisions in this policy applies to all professional personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave

Each full-time professional staff member is granted 10 days sick leave each school year at full pay. Unused days are allowed to accumulate to 180 days. Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption.

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Sabbatical Leave

Sabbatical leave may be granted in accordance with the School Code.

Personal Leave

Professional staff members are granted two personal leave days per year. A personal leave day is defined as a day to allow professional personnel time to conduct personal business (but not vacation, travel, or work stoppage), which is impossible to schedule at a time other than during a school day. Any full unused personal leave days in a school year will be credited to the cumulative sick leave.

The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, personal leave requests should be submitted to the Building Principal 3 days in advance of the requested date,
2. No personal leave days may be used immediately before or immediately after a holiday unless the Superintendent grants prior approval,
3. Personal leave may not be used in increments of less than one-half day,
4. Personal leave days are subject to a substitute's availability,
5. Personal leave days may not be used during the first and/or last 5 days of the school year,
6. Personal leave days may not be used on in-service and/or institute training days, and
7. Personal leave may not be used by more than 10% of the teaching staff in each building at the same time.

Leave of Absence Without Pay

The Board may grant a leave of absence without pay to tenured professional staff members who have rendered satisfactory service and desire to return to employment in a similar capacity at a time determined by the Board.

Each leave of absence shall be of the shortest possible duration required to meet the leave's purpose consistent with a reasonable continuity of instruction for students.

Leave to Serve as an Election Judge

Any staff member who was appointed to serve as an election judge under State law may, after giving at least 20-days' written notice to the District, be absent without pay for the purpose of serving as an election judge. The staff member is not required to use any form of paid leave to serve as an election judge. No more than 10% of the District's employees may be absent to serve as election judges on the same election day.

Child-Rearing Leave

The Board shall grant a professional staff member's request for a non-paid, child-rearing leave, not to exceed the balance of the school year plus one additional school year (but in no event shall such leave exceed 3 semesters), provided the request complies with this policy. Nothing in this section shall prohibit a professional staff member from using paid sick days as provided in this policy.

A teacher must request, if possible, a child-rearing leave by notifying the Superintendent in writing no later than 90 days before the requested leave's beginning date. The request should include the proposed leave dates. The leave shall end before a new school year begins or before the first day of school after winter recess.

Subject to the insurance carrier's approval, the teacher may maintain insurance benefits at his or her own expense during a child-rearing leave.

A professional staff member desiring to return before the leave's expiration will be assigned to an available vacancy for which the teacher is qualified, subject to scheduling efficiency and instruction continuity.

Leaves for Service in the Military

Leaves for service in the U.S. Armed Services or any of its reserve components and the National Guard, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in military service does not acquire tenure.

General Assembly Leave

Leaves for service in the General Assembly, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in the General Assembly does not acquire tenure.

Leave for Employment in Department of Defense

The Board may grant teachers a leave of absence to accept employment in a Department of Defense overseas school.

School Visitation Leave

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

The Superintendent shall develop administrative procedures implementing this policy consistent with the School Visitation Rights Act.

Leaves for Victims of Domestic or Sexual Violence

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

The Victims' Economic Security and Safety Act governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, if the District employs at least 50 employees, an employee is entitled to a total of 12 work weeks of unpaid leave during any 12-month period. Neither the law nor this policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.).

Leaves to Serve as an Officer or Trustee of a Specific Organization

Upon request, the Board will grant: (1) an unpaid leave of absence to an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations, (2) twenty days of paid leave of absence per year to a trustee of the Teachers' Retirement System in accordance with 105 ILCS 5/24-6.3, and (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the District, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2.

LEGAL REF.: 10 ILCS 5/13-2.5
20 ILCS 1805/30.1 et seq.
105 ILCS 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.
820 ILCS 147/ and 180/.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave),
5:330 (Educational Support Personnel - Sick Days, Vacation, Holidays, and Leaves)

Date Established: _____

Date Revised: 1/20/2015

Student Teachers

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. No individual who has been convicted of a criminal offense listed in Section 5/21B-80 of the School Code is permitted to student teach or complete field or other clinical experience.

Before permitting an individual to student teach or participate in any field experience in the District, the Superintendent or designee shall ensure that:

1. The District performed a *complete criminal history records check* as described below; and
2. The individual furnished evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5.

A *complete criminal history records check* pursuant to 105 ILCS 5/10-21.9 shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by 97-154).

Each student teacher must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees), and the Superintendent or designee will provide each student teacher with a copy of his or her report.

Assignment

The Superintendent or designee shall be responsible for coordinating placements of all student teachers within the District. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities. A teacher may be eligible for Continuing Professional Development Units (CPDU) for supervising a student teacher or teacher education candidate in clinical supervision.

LEGAL REF.: Adam Walsh Child Protection and Safety Act, P.L. 109-248.
Uniform Conviction Information Act, 20 ILCS 2635/1.
105 ILCS 5/21-14(e)(3)(E)(viii), 5/10-22.34, and 5/24-5.
23 Ill.Admin.Code §25.875.

CROSS REF.: 5:190 (Teacher Qualifications), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications)

Date Established: _____

Date Revised: 10/21/2014

Employment At-Will, Compensation, and Assignment

Employment At-Will

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason, other than a reason prohibited by law, or no reason at all. Nothing in School Board policy is intended or should be construed as altering the employment at-will relationship.

Exceptions to employment at-will may include employees who are employed annually, have an employment contract, or are otherwise granted a legitimate interest in continued employment. The Superintendent is authorized to make exceptions to employing nonlicensed employees at-will but shall maintain a record of positions or employees who are not at-will.

Compensation

The Board will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. An employee covered by the overtime provisions in State or federal law shall not work overtime without the prior authorization from the employee's immediate supervisor. Educational support personnel are paid twice a month.

Assignment

The Superintendent is authorized to make assignments and transfers of educational support personnel.

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.
Griggsville-Perry Community Unit School Dist. No. 4 v. Illinois Educ. Labor Relations Bd.,
 963 N.E.2d 332 (Ill.App.4, 2013).
Cook v. Eldorado Community Unit School District, No. 03-MR-32 (Ill.App.5, 2004).
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (Ill.App.1, 1985), *aff'd in part*
and remanded, 505 N.E.2d 314 (Ill. 1987).
Kaiser v. Dixon, 468 N.E. 2d 822 (Ill.App.2, 1984).

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment) 5:35 (Compliance with the Fair Labor Standards Act), 5:290 (Educational Support Personnel - Employment Termination and Suspensions), 5:310 (Educational Support Personnel - Compensatory Time-Off)

Date Est.: _____

Date Revised: June 23, 2015

Educational Support Personnel

Duties and Qualifications

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to Board policies as they may be changed from time-to-time at the Board's sole discretion.

Paraprofessionals and Teacher Aides

"Paraprofessionals" and "teacher aides" are noncertificated personnel with instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires a "statement of approval" issued by the Illinois State Board of Education (ISBE). A paraprofessional or teacher aide first employed in a program for students with disabilities on or before June 30, 2005, shall be subject to this requirement as of July 1, 2007.

A paraprofessional or teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school-wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose.

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals or teacher aides and the requirements in this section do not apply. In addition, individuals who are completing their clinical experiences and/or student teaching do not need to comply with this section, provided they otherwise qualify for instructional duties under ISBE rules.

Noncertificated Personnel Working with Students Performing Non-Instructional Duties

Noncertificated personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media, e.g., computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities;
2. As supervisors, chaperones, or sponsors for non-academic school activities; or
3. For non-teaching duties not requiring instructional judgment or student evaluation.

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. Regardless of whether the athletic activity is regulated by an association, all coaches must have completed a course on coaching principles and sport's first aid. The Superintendent or designee shall ensure that all coaches have completed appropriate training programs. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

Bus Drivers

All school bus drivers must have a valid school bus driver permit. New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).
34 C.F.R. §§200.58 and 200.59.
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
625 ILCS 5/6-104 and 5/6-106.1.
23 Ill.Admin.Code §§25.510, 25.520.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

Ref. _____

Date Established _____

Date Revised March 20, 2007

DAKOTA COMMUNITY UNIT DISTRICT

PRE-EMPLOYMENT DRUG TEST
CONSENT FORM

I _____, hereby give my full consent to submit to a drug test in
(Drivers Name)
accordance with the requirements of the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Part 40, and
this school district's Drug and Alcohol Abuse Policy.

I understand that all prospective drivers must submit to a drug test and that a urine sample will be collected and
tested for controlled substances.

I give my full consent to release of my drug test results to the authorized Medical Review Officers, who will
then release results to the Mid-West Truckers Association, Inc. (our drug test consortium) which will forward
those results to the below-named school district.

DAKOTA COMMUNITY UNIT DISTRICT #201

I agree that if I test positive for use of controlled substances or alcohol use, do not pass my physical examination
or sign a written authorization for the release of my past two year drug test results, I will not be further
considered for employment.

Agreed to _____ by _____
Date Applicant's Signature

Social Security Number Print Applicant's Name

Home Phone Number Witness Signature

Date

Administrative Procedure - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District's drug and alcohol testing program shall apply to all individuals in positions that require a commercial driver's license and those that require an Illinois school bus driver permit. This includes casual, intermittent, or occasional drivers, leased drivers and independent owner-operator contractors, as well as full-time, regularly employed drivers. The Superintendent or designee will identify which positions are covered by the various provisions of this procedure.

Pre-Employment Tests

A pre-employment drug test shall be required of an applicant only after he/she has been offered the position.

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work.

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law.

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary.

Controlled Substance Use

Drivers shall inform their supervisors if at any time they are using a drug which their physician has prescribed for therapeutic purposes. Drivers using a controlled substance may continue to perform safety-sensitive functions only if a licensed medical practitioner has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle. If the District has actual knowledge that a driver has used a controlled substance it shall not permit the driver to perform or continue to perform a safety-sensitive function.

Pre-Duty Use of Alcohol

No driver shall perform safety-sensitive functions within 4 hours after using alcohol. If the District has actual knowledge that a driver has used alcohol within 4 hours it shall not permit the driver to perform or continue to perform safety-sensitive functions.

On-Duty Use of Alcohol

No driver shall use alcohol while performing safety-sensitive functions. If the District has actual knowledge that a driver is using alcohol while performing safety-sensitive functions it shall not permit the driver to perform or continue to perform safety-sensitive functions.

Post-Accident Tests

Alcohol tests shall be conducted as soon after an accident as practicable on any surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
2. Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Controlled substance tests shall be conducted as soon after an accident as practicable on any surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life;
2. Who receives a citation within 32 hours of occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No driver required to take a post-accident alcohol test shall use alcohol for 8 hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within 2 hours of the accident or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath and blood tests meet the requirements of alcohol testing. A urine test meets the requirements of a controlled substances test.

Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions.

Employees off work due to leaves, vacation, and layoffs shall be informed that they remain subject to random testing. Employees drawn for such testing shall be notified and tested as soon as practicable after they return to duty.

Probable Cause Tests (Applicable to School Bus Driver Permit Holders)

A driver who has received a Uniform Traffic Ticket while in control of a school bus or any other vehicle owned or operated by or for the District, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the District, may be tested for alcohol. To justify an alcohol test, a police officer must have probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer.

Upon receipt of a law enforcement officer's sworn report that the test result was positive or that the driver refused to be tested, the Secretary of State will notify both the permit holder and the District of the sanction (sanction is effective on the 46th day following the date notice was given).

Reasonable Suspicion Tests (Applicable to School Bus Driver Permit Holders) An alcohol or drug test shall be conducted if a supervisor or District official trained in accordance with law has reasonable suspicion that a driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the supervisor or District official who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of

reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after 8 hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

The Superintendent or designee shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when: (i) the test indicates an alcohol concentration greater than 0.00; (ii) the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing the federal standards set forth in 49 C.F.R. 40.87; or (iii) when a driver refuses testing. The notification to the Secretary must be submitted within 48 hours of the refusal of testing or the employer's receipt of the test results.

Enforcement for Non-School Bus Driver Permit Holders

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the District has actual knowledge that a driver has an alcohol concentration of 0.04 or greater it shall not permit the driver to perform or continue to perform safety-sensitive functions.

Federal laws require that any driver who refuses to submit to a post-accident, random, reasonable suspicion test, or follow-up test as described below, shall not perform or continue to perform safety-sensitive functions. The District shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

A driver who is tested and found to have an alcohol concentration of .02 or greater, but less than 0.04, may not perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered.

A driver who tests positive for drugs or an alcohol concentration of 0.04 or greater shall be subject to District disciplinary action up to and including dismissal.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program.

Return-to-Duty Tests for Non-School Bus Driver Permit Holders

If a driver who has violated the District's drug or alcohol prohibition is returned to performing safety-sensitive duties, a drug or alcohol test shall be conducted.

The District shall not allow employees whose conduct involved drugs to return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. The District shall not allow employees whose conduct involved alcohol to return to duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of 0.02 or less.

Follow-Up Tests for Non-School Bus Driver Permit Holders

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with the law. Follow-up alcohol

testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

The District must carry out the substance abuse professional's follow-up testing requirements.

Follow-up testing shall consist of at least 6 tests in the first 12 months following the driver's return to duty. Testing shall not occur beyond 60 months from the date of the driver's return to duty. The substance abuse professional may terminate the follow-up testing if he/she determines that the employee has successfully demonstrated compliance.

Maintenance of Records for Non-School Bus Driver Permit Holders

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with the law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Enforcement for School Bus Driver Permit Holders

In Illinois, a person whose privilege to possess a school bus driver permit has been canceled under 625 ILCS 6-106.1a is not eligible for restoration of the privilege until the expiration of 3 years from the effective date of the cancellation if the person has refused or failed to complete a test or tests to determine blood alcohol concentration, or has submitted to testing with a blood alcohol concentration of more than 0.00.

The Illinois Secretary of State must suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder refused to submit to an alcohol or drug test as required by Section 6-106.1c or has submitted to a test required by that Section that disclosed an alcohol concentration of more than 0.00 or disclosed a positive result on a National Institute on Drug Abuse five-drug panel, utilizing federal standards set forth in 49 C.F.R. 40.87.

A driver who tests positive for drugs or is found to have an alcohol concentration of greater than 0.00 shall have their employment terminated.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following:

1. The person designated by the District to answer drivers' questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382, including post-accident testing under §382.303(d);
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver, including post-accident information, procedures and instructions required by §382.303(d);
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;

9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers who do not hold a school bus driver permit found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. The consequences for drivers who hold a school bus driver permit found to have an alcohol concentration over 0.00;
12. The effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management; and
13. Other legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, pursuant to 49 C.F.R. §382, the District shall inform drivers that the tests are required by these regulations.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Ref. IASB
Date Established: October 17, 1995
Date Revised: March 20, 2012

JOB CATEGORIES, REQUIREMENTS, BENEFITS, AND OTHER PROCEDURES FOR SUPPORT STAFF

- I. DEFINITIONS – (for all sections except section II. A. Health (Medical) Insurance and B. Life Coverage)
 1. Full-time employees – 40 or more hours per week and twelve (12) months per year
 2. Part-time employees – Less than 40 hours per week and at least nine (9) months per year

- II. REQUIREMENTS
 - A. Dakota Community Unit District 201 has support staff job categories and requirements for said categories as follows:
 1. AIDES: - Building Aide – Building Aides may be
 1. Assigned to Special Education Classrooms
 2. Assigned to Special Education Students
 3. Assigned to Regular Education Classrooms
 4. Assigned to libraries/media centers- Bilingual Aide
-Hearing Impaired Aide
- Visually Impaired Aide
 - a. Certified - Those with thirty (30) or more hours of post-secondary education.
 - b. Non-Certified - Those with less than thirty hours of post secondary education.
 - c. REQUIREMENTS: Completed application form, Criminal Background Investigation Form, Employee Eligibility Form (I-9), physical examination form, and applicable withholding, IllinoisMunicipal Retirement Fund (IMRF) and insurance forms. Also sign acknowledgment of the requirements of the Abused and Neglected Child Reporting Act, of the District's Bloodborne Pathogens Policy and Plan, of the District's Sexual Harassment Policy, of the District's Employee Computer Use and Networked Information contract.
 - d. All aides shall verify completion of a physical examination including a TB test/or chest x-ray following the completion of every three (3) years of employment.
 2. SECRETARIES: Superintendent's, Building and Attendance
 - a. REQUIREMENTS: Completed application form, Criminal Background Investigation Form, Employee Eligibility Form (I-9), physical examination form, and applicable withholding, Illinois Municipal Retirement Fund (IMRF) and insurance forms. Also signed acknowledgement of the requirements of the Abused and Neglected Child Reporting Act, of the District's Bloodborne Pathogens Policy and Plan, of the District's Sexual Harassment Policy, of the District's Drug Free Workplace Policy and Rules, and of the District Employee Computer Use and Networked Information contract.
 - b. All secretaries shall verify completion of a physical examination including a TB test or chest x-ray following the completion of every three (3) years of employment.
 3. FOOD SERVICES: Director and Cooks
 - a. REQUIREMENTS: Completed application form, Criminal Back ground Investigation Form, Employee Eligibility Form (I-9), physical examination form, and applicable withholding, Illinois Municipal Retirement Fund (IMRF) and insurance forms. Also signed acknowledgement of the requirements of the Abused and Neglected Child Reporting Act, of the District's Bloodborne Pathogens Policy and Plan, of the District's Sexual Harassment Policy, of the District's Drug Free Workplace Policy and Rules, and of the District Employee Computer Use and Networked Information contract.
 - b. All food service employees shall verify completion of a physical examination including a TB test or chest x-ray following the completion of every three (3) years of employment.

4. FISCAL SERVICES Bookkeeper

- a. **REQUIREMENTS:** Completed application form, Criminal Background Investigation Form, Employee Eligibility Form (I-9), physical examination form, and applicable withholding, Illinois Municipal Retirement Fund (IMRF) and insurance forms. Also signed acknowledgement of the requirements of the Abused and Neglected Child Reporting Act, of the District's Blood borne Pathogens Policy and Plan, of the District's Sexual Harassment Policy, of the District's Drug Free Workplace Policy and Rules, and of the District Employee Computer Use and Networked Information contract.
- b. The bookkeeper shall verify completion of a physical examination including a TB test or chest x-ray following the completion of every three (3) years of employment.

5. BUILDING AND GROUNDS: Director and Custodians

- a. **REQUIREMENTS:** Completed application form, Criminal Background Investigation Form, Employee Eligibility Form (I-9), physical examination form, and applicable withholding, Illinois Municipal Retirement Fund (IMRF) and insurance forms. Also signed acknowledgement of the requirements of the Abused and Neglected Child Reporting Act, of the District's Bloodborne Pathogens Policy and Plan, of the District's Sexual Harassment Policy, of the District's Drug Free Workplace Policy and Rules, and of the District Employee Computer Use and Networked Information contract, and of the Right to Know Law and its applicability.
- b. All full time building and grounds personnel shall verify completion of a physical examination including a TB test or chest x-ray following the completion of every three (3) years of employment.

6. DAYCARE: Director and Assistant Director

- a. **REQUIREMENTS:** Completed application form, Criminal Background Investigation Form, employee Eligibility Form (I-9), physical examination form, and applicable withholding, Illinois Municipal Retirement Fund (IMRF) and insurance forms. Also signed acknowledgement of the requirements of the Abused and Neglected Child Reporting Act, of the District's Blood borne Pathogens Policy and Plan, of the District's Sexual Harassment Policy, of the District's Drug Free Workplace Policy and Rules, and of the District Employee Computer Use and Networked Information contract.
- b. **DCFS REQUIREMENTS** are fingerprinting, 3 letters of reference, evidence of educational achievements, a physical every 2 years (TB test must be done on initial physical), DCFS forms #CFS 718-E, #CFS 718 (director only), CFS 602, CFS 508-1, CFS 508, 15 hours of in-service training each year and signed acknowledgement of receiving: DCFS regulations, staff handbook, center handbook, child care act, abuse & neglect reporting act, center discipline policy and staff orientation. (Daycare has DCFS approval)

7. TRANSPORTATION: Director and Drivers

- a. **REQUIREMENTS:** Pre-employment: Application and interview, Criminal Background Check (Finger Print Check), medical examination including drug and alcohol test, signed acknowledgement of drug and alcohol policy, eight (8) hour bus driver training course, commercial drivers license (CDL) for school bus driving, and securing a school bus permit.
- b. **ADDITIONAL REQUIREMENTS:** Completed Background Investigation form, Employee Eligibility Form (I-9), annual physical examinations form including TB test or chest x-ray and applicable withholding, Illinois Municipal Retirement Fund (IMRF) and insurance forms. Also signed acknowledgement of the requirements of the Abused and Neglected Child Reporting Act, of the District's Sexual Harassment Policy, of the District's Drug Free Workplace Policy and Rules, and of the District's Employee Computer Use and Networked Information contract. Each year of employment, completion of the two hour bus driver refresher course.
- c. Those employees who are covered under the District's health insurance plan shall verify completion of a physical examination including a chest x-ray following the completion of every three (3) years of employment.

B. All school employees shall pay for their lunch if it is a school produced meal.

III. INSURANCE

A. Health (Medical) Coverage

1. Health insurance coverage shall be offered to each full time employee. For the purposes of Health (Medical) insurance coverage only, a full time employee is assigned and works 35 or more hours per week and at least nine (9) months per year.
2. The Board of Education shall contribute up to but not exceeding 95% of the monthly premium to offer and provide health insurance for each eligible (see above) employee.
3. The deductible for single coverage shall be \$250.00 per calendar year.
4. Dependent coverage shall be offered to qualifying employees. The cost of dependent coverage may be contributed through payroll deduction.
5. The deductible for dependent coverage shall be \$500.00. This deductible shall be satisfied when an individual and family members submit qualifying bills equaling the family deductible.
6. The schedule of premium payments and the rules/procedures necessary for implementation of the plan are developed between the District and the plan administrator.

B. Life Coverage

1. For the purposes of Life insurance coverage only, a full time employee is assigned and works 35 or more hours per week and at least nine (9) months per year.
 - a. During the first five (5) years of continuous employment, the Board of Education shall offer and provide each eligible (see above), twelve (12) month employee \$5,000. group term life insurance coverage. Beginning in the sixth (6) year of continuous service, the face value of this group term life insurance coverage shall be increased to \$10,000.
 - b. For eligible (see above) employees working less than twelve (12) months, the Board shall offer and provide \$5,000. group term life insurance coverage.
 - c. The coverage shall contain life insurance, accidental death, and dismemberment.
 - d. The schedule of premium payments and the rules/procedures necessary for implementation of the plan are developed between the District and the plan administrator.

IV. SECTION 125 - FLEXIBLE SPENDING PLAN

- A. The District will offer a Section 125 - Custom Benefit Plan for support staff who works twenty (20) or more hours per week.
- B. The Plan will offer three (3) contribution areas: dependent care assistance, uninsured medical reimbursement, and the Section 125 administration fees.
- C. The schedule of premium payment and the rules necessary for implementation of the flexible spending plan program are developed between the District and the plan administrator.

V. RETIREMENT CONTRIBUTIONS

A. Illinois Municipal Retirement Fund (IMRF)

1. Employees whose assignment and work exceeds six hundred hours per year are eligible for an IMRF contribution.
2. The Board will make a contribution at a rate set by the Fund.
3. The employee will make a 4.5% tax sheltered contribution as determined by the Fund.

B. Federal Insurance Contributions Act (FICA/Social Security)

1. The Board of Education will make a contribution on all employee earnings as follows:
 - a. 6.1% to the Old Age, Survivors, and Disability Insurance (OASDI) Fund.
 - b. 1.45% to the Hospital Insurance (Medicare) Fund, and
 - c. to the limit prescribed by FICA.

VI. LEAVES

A. Sick Leave

1. Is defined as "absence for personal injury or illness (which is not compensable under Illinois Workers Compensation law) or serious illness or death in the immediate family or household. Immediate family members are parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians.
2. Full time employees shall be granted twelve (12) days of sick leave per year.
3. Part-time employees who work less than twelve (12) months per year (regardless of the number of hours per week) shall be granted ten (10) sick leave days per year.
4. The number of sick leave days, which may be accumulated, is unlimited.
5. Full pay shall be granted for sick leave based on the assigned work schedule.
6. Employees absent more than their sick leave credit due to a confining, bonafide disability from sickness or injury otherwise covered by this leave policy may be granted family medical leave under the Family Medical Leave Act (FMLA) or may be granted leave without pay.
7. A statement by the employee, verifying an absence by reason of illness or injury may be requested by the employer and may be required to be supported by medical certification or other medical evidence of disabling sickness or injury. The employer may also request a statement of medical evidence that the employee is physically capable of returning to work.

B. Compensable Illness/Injury Leave

1. An employee who is injured or whose illness is job related and compensable under the Illinois Workers Compensation Law has twenty four (24) hours to complete the Necessary injury/illness report at the office of the Superintendent of Schools. An employee who was absent by reason of compensable injury/illness and for which Workers Compensation is paid, may upon written request elect to supplement Workers Compensation payments with sick leave payments equal to the difference between full pay and workers compensation pay for the period (up to the total sick leave accumulation of the employee) of such compensable absences. If the employee so elects, such supplemental payments will be charged against accumulated sick leave for each day with respect to which a supplemental payment is received. If no such election is made, absence due to a compensable injury/illness will not be charged against sick leave credit.

C. Family Medical Leave

1. Family Medical Leave (FML) is available to employees who have been in the district's employment for twelve (12) continuous months and who have worked 1250 hours in the year prior to the use of FML.
2. Upon written request, FML may be used for one or more of the following reasons:
 - a. For maternity, child rearing, or the placement of a child for adoption or foster care.
 - b. To care for an immediate family member with a serious health condition, or
 - c. Personal Illness - to take medical leave when the employee is unable to work because of a serious health condition.
3. Applicable Definitions and Limitations
 - a. Immediate family shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians.
 - b. If possible, a thirty (30) day written request is required when the need is foreseeable, such as in the case of maternity or adoptive leave.
 - c. Leave for maternity, child rearing, or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement.
 - d. Employees may or may not choose to use accrued sick leave prior to using unpaid leave for the medically applicable portion of their absence. In the case of adoptive leave, up to twenty (20) days of sick leave may be used to assist in the process.
 - e. Leave may be taken intermittently whenever it is medically necessary.
 - f. The district has the right to modify a request for FML, when the request interferes with the soundness of the educational program.

- g. The district has the right to require medical certification supporting the need for FML due to a serious health condition affecting the employee or immediate family member.
- h. When Family Medical Leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as to not disrupt the educational process of the students.

4. Maintenance of Benefits

- a. As long as the employee is using sick leave to cover the FML, all benefits will be retained and accrue.
- b. When an employee expends all sick leave and FML exceeds twelve (12) weeks, the employee will be responsible for the maintenance of benefits.

D. Jury Duty Leave

1. Any employee called for jury duty shall be given leave without loss of pay to serve his/her civic duty.
2. The employee shall notify his/her immediate supervisor as soon as possible following receipt of the notice.
3. The employee shall complete a jury duty leave request form, JDS-97, and attach a copy of the order to appear, and submit both to his/her immediate supervisor.
4. The forms will be forwarded to the office of the Superintendent for processing.

E. Military Leave

1. The Board of Education and the employee agree to abide by the provisions and policies of the Federal Selective Service and Training Act and 105 ILCS 5/34-15 a. in situations which require active military service.
2. Any employee called to active duty will notify, in writing and by verifying document, his/her immediate supervisor of the date(s) of service.

F. Personal Business Leave

1. Leave without loss of pay for personal business (items of pressing business or events which cannot be attended to other than during work hours).
2. Support staff who desire leave must submit the required form to the office of the Superintendent through their immediate supervisor no later than three (3) school days prior to the date of the leave except in a case of emergency. Under normal conditions (days of notice and circumstances) no reason for the leave is required).
3. Personal business leave shall not be used on days immediately preceding or following a school vacation, holiday, recess period or in conjunction with personal vacation day(s). This restriction does not apply to organized religious holidays or for emergencies approved at the discretion of the Superintendent or designee.
4. Personal leave day(s) must be used before a request for leave without pay will be considered.
5. Full-time support staff who are assigned and work twelve months per year and forty hours per week and part-time support staff who are assigned and work at least 30 hours per week and at least 174 school days are entitled to two (2) personal leave days per year.
6. Part-time support staff who are assigned and work less than 30 hours per week and at least 174 school days are entitled to one (1) personal business leave day per year.
7. If an employee uses no personal leave day(s) during the assigned work year, he/she will have one or two days, whichever fits the assignment credited to his/her accumulated sick days on the first day of the following work year.

G. Leave Without Pay

1. If an employee needs time off and has exhausted all applicable and available leave, he/she may apply for leave without pay. Short-term leave, one or two days for example, will be at the discretion of the Superintendent of Schools or designee. Long-term leave, one week or more will be at the discretion of the Board of Education.
2. In cases of long term leave without pay, the employee will be responsible for the premiums/costs to maintain any applicable benefits.

VII. HOLIDAYS

- A. The District will recognize the following holidays: January 1, New Year's Day; the third Monday in January, the Birthday of Dr. Martin Luther King, Jr.; February 12, the birthday of President Abraham Lincoln; the first Monday in March, Casimir Pulaski's birthday; the day designated as Memorial Day by Federal law; July 4, Independence Day; the first Monday in September, Labor Day; the second Monday in October, Columbus Day; November 11, Veteran's Day; the Thursday in November commonly called Thanksgiving Day; the day after Thanksgiving and, December 25, Christmas Day.
- B. Full time employees will be given time off and receive full wages according to their assigned work schedule when a recognized, non-waived holiday falls on a work day throughout the fiscal year. Additionally, these employees will receive full pay and time off for the assigned workday when Christmas Eve Day and/or New Year's Eve Day fall on a workday.
- C. Part-time employees will be given time off and receive full wages for their assigned workday when a recognized, non-waived holiday falls on a workday within a week when school is in session.
- D. The holiday waiver program may alter the day a recognized holiday is celebrated or may eliminate the celebration of a recognized holiday. Employees may plan ahead by using the available school calendars.

VIII. VACATIONS

- A. Full time employees who have completed less than ten (10) years of service prior to July 1st of any fiscal year, shall be granted one (1) day of vacation per month of work with pay with a total not to exceed ten (10) days.
- B. Full time employees who have completed ten (10) years of service prior to July 1st of any fiscal year will receive fifteen (15) days of vacation with pay annually. Any full time employee who has not completed ten (10) years of service prior to July 1st but whose tenth (10th) anniversary of full time employment arrives after June 30th of any fiscal year, shall receive 1.25 vacation days for each month worked not to exceed fifteen (15) days.
- C. Full time employees who have completed fifteen (15) years of service prior to July 1st of any fiscal year will receive twenty (20) days of vacation with pay annually. Any full time employee who has not completed fifteen (15) years of service prior to July 1st, but whose fifteenth (15th) anniversary of full time employment arrives after June 30th of any fiscal year shall receive 1.67 vacation days for each month worked, not to exceed twenty (20) days.
- D. Vacation days are to be used on non-school days; exceptions may be granted at the discretion of the Superintendent of Schools.
- E. Accumulated vacation days shall be expended by June 30th following the close of the fiscal year of accumulation.
- E. Application for use of vacation day(s) will be made on the appropriate form with approval of the employee's immediate supervisor and the Superintendent of Schools.

IX. TRAVEL AUTHORIZATION/EXPENSE REIMBURSEMENT

- A. Prior to traveling and incurring expenses on behalf of the District, an employee shall complete a Travel Authorization Form, TAS-97, and receive approval from his/her immediate supervisor and the Superintendent of Schools.
- B. When an employee incurs expenses while in the service of the District, the employee will be reimbursed as follows and as verified by receipt:
 - 1. Mileage - at the rate of reimbursement as currently allowed by IRS
 - 2. Meals - actual expense up to \$10. per meal
 - 3. Lodging - actual expense
 - 4. Registration - actual expense

X. VACANCIES AND TRANSFERS

- A. A notice of a vacancy created within the District shall be forwarded to all employees within their category. Seven (7) days will be allowed to request a transfer prior to the final date when applications from outside the District/category must be submitted.
- B. Employees who desire a transfer shall file a written statement of such desire with the Superintendent of Schools. Such written statement shall include the position to which the employee desires to be transferred.

XI. EVALUATION OF PERFORMANCE

- A. Each employee will be evaluated by his/her immediate supervisor on an annual basis.
- B. This performance evaluation will serve as a basis for the improvement of performance and salary advancement.

Ref. _____

Date Established _____

Date Revised Holidays – July 19, 2007

ALL-June 17, 2003

DCFS October 24, 2003

Flexible Spending Jan, 20, 2004

Employment Termination and Suspensions

Resignation and Retirement

An employee is requested to provide 2 weeks' notice of a resignation. A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

Non-RIF Dismissal

The District may terminate an at-will employee at any time for any or no reason, but not for a reason prohibited by State or federal law.

Employees who are employed annually or have a contract, or who otherwise have a legitimate expectation of continued employment, may be dismissed: (1) at the end of the school year or at the end of their respective contract after being provided appropriate notice and after compliance with any applicable contractual provisions, or (2) mid-year or mid-contract provided appropriate due process procedures are provided.

The Superintendent is responsible for making dismissal recommendations to the School Board consistent with the Board's goal of having a highly qualified, high performing staff.

Reduction in Force and Recall

The Board may, as necessary or prudent, decide to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, dismiss or reduce the hours of one or more educational support employees. When making decisions concerning reduction in force and recall, the Board will follow Sections 10-22.34c (outsourcing non-instructional services) and 10-23.5 (procedures) of the School Code, to the extent they are applicable and not superseded by legislation or an applicable collective bargaining agreement.

Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the next regular pay date following the last day of employment.

Suspension

Except as provided below, the Superintendent is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Superintendent's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay: (1) when the employee is exempt from the overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees.

Any criminal conviction resulting from the investigation or allegations shall require the employee to repay to the District all compensation and the value of all benefits received by the employee during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 5 ILCS 430 et seq.

105 ILCS 5/10-22.34c and 5/10-23.5.

820 ILCS 105/4a.

CROSS REF.: 5:240 (Professional Personnel - Suspension), 5:270 (Educational Support Personnel -
Employment At-Will, Compensation, and Assignment)

Date Established: 4/19/1988

Date Revised: 10/20/2015

Educational Support Personnel

Employment Termination and Suspensions

Resignation and Retirement

An employee is requested to provide 2 weeks' notice of a resignation. Resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

Non-RIF Dismissal

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the Board of Education or by the employee at any time for any reason or no reason at all upon the recommendation of the Superintendent or the employee's immediate supervisor.

Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the third business day following the last day of employment.

Suspension

Except as provided below, the Superintendent is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct, or pending a dismissal hearing whenever, in the Superintendent's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay (1) when the employee is exempt from the overtime provisions of the federal wage and hour laws, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees.

LEGAL REF.: 105 ILCS 5/10-23.5 and 5/10-22.34.

CROSS REF.: 5:240 (Suspension)

Ref. _____

Date Established _____

Date Revised June 17, 2003

Privacy of Medical Information- HIPAA

Policy and Procedures

Dakota CUSD No. 201 is committed to protecting the private medical information – or Protected Health Information (PHI) – of its employees.

To provide employees with health care benefits, Dakota CUSD No. 201 (the “Company”) sometimes uses and discloses PHI. When this is warranted, the Company uses or discloses PHI in compliance with the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

The collection of PHI is limited to that which is needed by the Company for business and legal purposes. For example, the Company may collect information that would allow it to determine eligibility for benefits, or to facilitate payment for the treatment and services received from health care providers.

The confidentiality of all PHI in the Company’s records is protected. Access to PHI regarding the Company’s employees is limited to those employees having an authorized business-related need to use or disclose the information. All employees are required to adhere to this medical information privacy policy. Any employee not complying will be subject to disciplinary action.

Unless authorization from the individual has been received, an employee with access to PHI may not use a participant’s information for reasons other than indicated as permissible under HIPAA regulations. In certain cases, access may be given to third parties, including government agencies, pursuant to court order or subpoena.

If an individual believes his or her PHI has been used or disclosed in violation of the Company’s policy or HIPAA, the individual has a right to file a complaint in writing. The complaint should be sent to the Company’s Privacy Officer. No employee may be penalized or otherwise retaliated against for filing a complaint.

Ref. _____
Date Established February 17, 2004
Date Revised _____

Privacy of Medical Information – (HIPAA)**Policy and Procedures: Complaint Procedure**

Policy Excerpt: To provide employees with benefits, Dakota CUSD No. 201 sometimes uses and discloses protected health information (PHI). When this is warranted, Dakota CUSD No. 201 uses or discloses PHI in compliance with the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Applicable To: Dakota CUSD No. 201 employees

Responsibility: Human Resources/Management

Procedures:

1. A signed authorization must be provided by the employee in order for his or her Protected Health Information to be used for reasons other than indicated as permissible under the HIPAA regulations.
2. If an employee believes that his or her PHI has been disclosed in violation of the policies and procedures set forth under HIPAA or the Company's Privacy of Medical Information Policy, he or she has a right to file a complaint in writing. The complaint should be sent to Dakota CUSD No. 201 Privacy Officer.
3. The Privacy Officer will investigate the details of the complaint, and get back to the individual within thirty business days concerning the results of the investigation.
 - If the Privacy Officer determines that a violation has occurred, the employees involved may be subject to disciplinary action.
4. If the Privacy Officer determines that no violation has occurred, and the individual is not satisfied that the complaint has been resolved satisfactorily, he or she may file a request for additional review. The Privacy Officer will provide the background information concerning the complaint and results of the investigation to Dakota CUSD No. 201 General Counsel. The individual will have an opportunity to present his or her concerns as part of the Company's formal Grievance Procedure.
5. If Dakota CUSD No. 201 determines that no violation has occurred, and if the individual is not satisfied with the results of the second investigation, he or she may file a complaint with the Secretary of the Department of Health and Human Services, 200 Independence Avenue, S.W., Washington DC 20201. All complaints must be submitted in writing.
6. Please note, the individual is entitled to file a complaint with the Secretary of the Department of Health and Human Services at any time. All complaints must be submitted in writing to the address above.
7. No employee may be penalized or otherwise retaliated against for filing a complaint.

Ref. _____
Date Established February 17, 2004
Date Revised _____

Sick Days, Vacation, Holidays, and Leaves

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees will receive sick leave pay equivalent to their regular workday. Unused sick leave shall accumulate to a maximum of 180 days, including the leave of the current year.

Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. The Superintendent and/or designee shall monitor the use of sick leave.

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Vacation

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

<u>Length of Employment</u>		<u>Monthly Accumulation</u>	<u>Maximum Vacation Leave Earned Per Year</u>
<u>From:</u>	<u>To:</u>		
Beginning of year 2	End of year 5	0.83 Days	10 Days per year
Beginning of year 6	End of year 15	1.25 Days	15 Days per year
Beginning of year 16	End of year	1.67 Days	20 Days per year

Part-time employees who work at least half-time are entitled to vacation days on the same basis as full-time employees, but the pay will be based on the employee's average number of part-time hours per week during the last vacation accrual year. The Superintendent will determine the procedure for requesting vacation.

Vacation days earned in one fiscal year must be used by the end of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

Holidays

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

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Columbus Day
Abraham Lincoln's Birthday	Veteran's Day
Casimir Pulaski's Birthday	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave

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

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal 3 days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly.
2. School Visitation Leave.
3. Leaves for Victims of Domestic or Sexual Violence.
4. Leave to serve as an election judge.

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
 105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.
 820 ILCS 147 and 180/
School Dist 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987); Elder v. School Dist. No.127 1/2,
 208 N.E.2d 423 (Ill.App.1, 1965).

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave),
 5:250 (Professional Personnel - Leaves of Absence)

Date Established 10/21/2014

Date Revised 6/23/2015