

SECTION 5: PERSONNEL

- 5.001 Personnel Goals
- 5.010 Equal Opportunity Employment
- 5.011 Nondiscrimination
- 5.012 Americans with Disabilities Act (ADA)
- 5.014 Nepotism
- 5.015 Recruitment and Hiring of Minority Personnel
- 5.020 Workplace Anti-Harassment Policy
- 5.030 Licensed Staff Hiring
- 5.031 Certificated Staff Recruiting/Posting of Vacancies
- 5.032 Part-Time and Substitute Certificated Staff Employment
- 5.033 Support Staff Supplementary Pay Plans
- 5.034 Support Staff Fringe Benefits
- 5.035 Support Staff Recruiting/Posting of Vacancies/Hiring
- 5.036 Support Staff Probation and Tenure
- 5.040 Communicable and Chronic Infectious Disease
- 5.050 Drug and Alcohol Free Workplace Policy
- 5.051 Tobacco Prohibition
- 5.052 Alcohol and Drug Use by District Drivers
- 5.055 Medical Marijuana and Employees
- 5.060 Firearm Prohibitions on School District U-46 Property
- 5.080 Staff Participation in Community Activities
- 5.090 Child Abuse and Neglect
- 5.091 Firearm Notification and Reporting Policy
- 5.100 Certificated Staff Orientation
- 5.101 Staff Involvement in Decision Making
- 5.102 Exchange Teaching
- 5.103 Staff Research and Publishing
- 5.104 Professional Organizations
- 5.105 Certificated Staff Consulting Activities
- 5.106 Certificated Staff Development Opportunities/Visitations and Conferences
- 5.107 Tutoring for Pay
- 5.108 Home/Hospital Tutoring

5.109	Support Staff Development Opportunities
5.120	Staff Conflict of Interest and Ethics
5.121	Staff-Student Relations
5.125	Personal Technology and Social Media; Usage and Conduct
5.151	Personnel Records
5.170	Copyright
5.180	Staff Health and Safety
5.183	Temporary Illness
5.185	Staff Protection
5.190	Certificated Staff Positions
5.200	Certificated Staff Compensation Plans
5.201	Certificated Staff Fringe Benefits
5.202	Teachers Probation and Tenure
5.203	Teacher Assignments and Transfers
5.204	Teachers Time Schedules
5.205	Teacher Workload/Extra Duty
5.206	Reduction in Certificated Staff Work Force
5.207	Evaluation of Certificated Staff – Teachers
5.208	Certificated Staff Meetings
5.209	Non-School Employment by Certificated Staff Members
5.210	Resignation of Certificated Staff Members
5.211	Retirement of Certificated Staff Members
5.212	Suspension and Dismissal of Certificated Staff Members
5.230	Supervision and Discipline of Students
5.250	Certificated Leaves and Absences
5.251	Certificated Staff Leaves and Absences
5.252	Certificated Staff Long-Term Leaves and Absences
5.253	Administrative Vacations and Holidays
5.254	Family and Medical Leave Act (FMLA)
5.255	Religious Holidays
5.260	Student Teaching and Internships
5.271	Support Staff Positions
5.272	Support Staff Orientation

5.273	Supervision of Support Staff
5.274	Support Staff Promotions
5.275	Support Staff Contracts and Compensation Plans
5.290	Suspension and Dismissal of Support Staff Members
5.291	Reduction in Support Staff Work Force
5.292	Resignation of Support Staff Members
5.293	Retirement of Support Staff Members
5.300	Support Staff Assignments and Transfers
5.301	Support Staff Time Schedules
5.320	Evaluation of Support Staff
5.321	Evaluation of Support Staff - Paraprofessionals
5.322	Evaluation of Support Staff - Custodians/Maintenance/Grounds
5.323	Evaluation of Support Staff - Food Service
5.324	Evaluation of Support Staff - Secretaries
5.325	Evaluation of Support Staff – Transportation
5.326	Evaluation of Administrators
5.327	Administrative Staff Merit Pay
5.330	Support Staff Leaves and Absences
5.331	Support Staff Vacations and Holidays
5.335	Appropriate Use of Technology
5.340	Employee Expenses
5.345	Volunteers

PERSONNEL GOALS

For all students to achieve high levels of academic success, the District must employ a diverse, dynamic staff. For the benefit of students and staff the Board has established the following personnel goals:

- Recruit and select a qualified diverse workforce
- Retain a qualified diverse workforce and create opportunities for social and cultural exchanges and understanding
- Develop position descriptions that clearly identify employees' roles and responsibilities
- Provide a compensation and benefits program that will attract and retain qualified employees within the District's financial capabilities
- Provide ongoing professional development to improve all employees' performance
- Conduct effective evaluations to assess and improve employees' performance
- Assign personnel to optimize the use of their skills and abilities
- Create and maintain a professional environment to enhance employee satisfaction and performance
- Inform all employees of the importance of effectively fulfilling their roles in support our students, communities and public education

EQUAL OPPORTUNITY EMPLOYMENT

No person will be denied employment or advancement, or will be disqualified from re-employment on the basis of race, color, creed, national origin, gender, sexual orientation, marital status, arrest record, military status, order of protection status, unfavorable military discharge, disability, religion, or any other legally protected status. Age will be considered only with respect to limitations set by law as specified by the Illinois School Code, or by federal or state labor laws.

Persons who believe they have not received equal employment opportunities should report their complaint to the Non-Discrimination Coordinator or the District's Complaint Manager or follow the Uniform Grievance Procedure. The Non Discrimination Coordinator and Complaint Manager are the District's Chief Legal Officer and the Assistant Superintendent for Human Resources/designee, both of whom can be reached at 355 East Chicago Street, Elgin, Illinois, 847-888-5000. No employee or applicant will be retaliated or discriminated against for reporting, witnessing or participating in an investigation, provided the employee or applicant did not make a knowingly false accusation or provide knowingly false information.

The Non Discrimination Coordinator shall be responsible for coordinating the District's non-discrimination efforts, along with taking complaints as the Complaint Manager.

The Superintendent/designee shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-20.7; 105 ILCS 5/24-4 *et seq.*, 24-7; Civil Rights Act of 1964, as amended, 42 USC §§ 2000e et seq.; Americans with Disabilities Act, 42 USC §§ 12101 et seq.; Age Discrimination in Employment Act, 29 USC §§ 621 et seq.; Immigration Reform and Control Act of 1986, 8 USC § 1324a *et seq.*; Illinois Human Rights Act, 775 ILCS 5/1-101 et seq.; Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.; Title VII of Civil Rights Act, 42 U.S.C. §2000 et seq., 29 C.F.R. Part 1601; Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106; Victim's Economic Security and Safety Act, P.A. 93--591

CROSS REF.: 5.011 - Non-Discrimination

NONDISCRIMINATION

The Board of Education is committed to a policy of nondiscrimination in relation to race, religion, gender, sexual orientation, age, national origin, ancestry, marital status, unfavorable discharge from the military, disability, or any other legally protected status in accordance with applicable legal requirements. This policy will prevail in all matters concerning staff, students, the public, educational programs and services, and individuals with whom the Board of Education does business.

The Board of Education will designate an individual to act as the District Title IX Compliance Officer, who can be reached at 355 East Chicago Street, Elgin, Illinois, 847-888-5000. Students and employees will be notified of name, office, address and telephone number of the designee. The Title IX Compliance Officer will be the District's Chief Legal Officer.

LEGAL REF.: Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106
Victim's Economic Security and Safety Act, P.A. 93--591

AMERICANS WITH DISABILITIES ACT
(ADA)

School District U-46 shall not discriminate against qualified individuals with disabilities. A qualified individual is one who satisfies the requisite skill, experience, education and other job-related requirements of the employment position that such an individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Any employee of the District who feels that he or she has been discriminated against because of a disability should notify the Non-Discrimination Coordinator or Complaint Manager. The complaint will be investigated immediately.

LEGAL REF.: Americans with Disabilities Act
 42 U.S.C. § 12101, et seq.

CROSS REF.: Administrative Procedure Handbook – Section 12.15

NEPOTISM

No individual will be employed for or transferred to a position which would require supervision or create a direct supervisor-subordinate relationship of or by a family member such as, spouse, son, daughter, parent or a member of the immediate household.

CROSS REF.: Administrative Procedure Handbook, Page 12.15

RECRUITMENT AND HIRING OF MINORITY PERSONNEL

In all licensed and classified areas of employment the District will recruit pursuant to the District's diversity recruitment plan. The Superintendent/designee shall take appropriate measures to implement this policy.

LEGAL REF.: Illinois School Code 105 ILCS 5/10-20.7a

WORKPLACE ANTI-HARASSMENT POLICY

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 5.011.

Sexual Harassment Prohibited

Sexual harassment is illegal and it is the Policy of School District U-46 that it will not be tolerated. School District U-46 shall provide employees with an environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment as defined and otherwise prohibited by state and federal law.

Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature." Sexual harassment may include such actions as: sex-oriented verbal "kidding," "teasing" or "jokes;" subtle pressure for sexual activity; physical contact such as patting, pinching or brushing against another's body; or demands for sexual favors.

Conduct of this type is improper if: (a) submission to the conduct is either an explicit or implicit term or condition of employment; (b) submission to or rejection of the conduct is used as a basis for employment decisions affecting the persons involved; or (c) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

All employees of the District are expected to avoid any behavior or conduct toward any other employee which could be interpreted as sexual harassment.

Reporting Harassment

Appropriate management and supervisory personnel will take prompt, corrective action when they become aware of harassment. A violation of this policy may include discipline up to and including termination of the offending employee or employees. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge.

Any employee of the District who feels that he or she has been the victim of harassment should notify his or her supervisor or any other building or district administrator or the Non-Discrimination Coordinator or the Complaint Manager or follow the Uniform Grievance Procedure. The Non-Discrimination Coordinator is the District's Chief Legal Officer and the Complaint Manager is the Assistant Superintendent for Human Resources/designee, both of whom can be reached at 355 East Chicago Street, Elgin, Illinois, 847-888-5000). The complaint will be investigated immediately. If the complaint is found to be invalid, all involved parties will be so notified. If the complaint is found to have merit, corrective action, as described above, will be implemented. Any complaint or investigation will be treated with confidentiality to protect the privacy rights of the employees involved. The Chief Legal Officer will be responsible to review any complaint that remains unresolved by the administrator first receiving it.

An employee may also lodge a complaint of harassment with the U-46 Human Resources Department or directly by calling or writing the Department of Human Rights and the Illinois Human Rights Commission at 100 West Randolph Street, Suite 5-100, Chicago, IL, 60601, (312) 814-6269. Any employee lodging a complaint of harassment is protected from any form of retaliation under the law.

LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. §2000 et seq., 29 C.F.R. §1604.11
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 775 ILCS 5/2-102(D) et seq.

CROSS REF.: Administrative Procedure Handbook – Section 12.33-34

LICENSED STAFF HIRING

The development and maintenance of an outstanding educational program is, to a large measure, dependent upon the employment of highly qualified licensed personnel. Therefore:

1. The Board of Education encourages qualified persons to enter the educational profession in this District and make it their career.
2. Teacher recruitment and selection will be the responsibility of the Superintendent/designee. Other administrators, principals, directors, and teachers will assist as required or deemed appropriate.
3. Selection of licensed personnel will be based on suitability for position as indicated by:
 - a. training and licensure
 - b. professional competence and expertise
4. Candidates who may be screened for possible employment will be considered on the basis of equal employment opportunities and the established policies of the Board of Education.
5. All applicants must complete a District U-46 online application to be considered for employment.
6. The Superintendent/designee shall develop and maintain a current, comprehensive job description for each position.
7. Each applicant must provide a written authorization for a criminal background investigation. The Superintendent/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 are performed on each applicant as required by State law. The Superintendent/designee shall notify an applicant if the applicant is identified in either Database.
8. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21-23a of The School Code. The District retains the right not to employ or to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in §10-21.9 or of any criminal offense listed in Section 5/21-23a of the Illinois School Code or who falsifies or omits facts from his or her employment application or other employment documents.
9. Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.
10. New employees must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis.

11. Any employee may be required to have an additional examination by a physician if the examination is job related and consistent with business necessity.

The Superintendent/designee is solely responsible for the recommendation for employment of all certificated personnel in District U-46. The Board of Education will employ licensed personnel only upon the recommendation of the Superintendent/designee.

LEGAL REF.: American with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630
Immigration Reform and Control Act, 8 U.S.C. §1324 et seq.
Illinois School Code: 105 ILCS 5/10-20.2, -20.7, -21.1, -21.4, 21.4a; 21.9, 21-23a, -105 ILCS 5/24-4, -4.1, -7; Article 21, 5/24-1 et seq.

CONTRACT REF.: The Elgin Agreement

CROSS REF.: Administrative Procedure Handbook – Section 12.19-.22
5.001 – Personnel Goals

CERTIFICATED STAFF RECRUITING / POSTING OF VACANCIES

It is the responsibility of the Superintendent/designee, with the assistance of the administrative staff, to determine the personnel needs of the School District and the individual schools, and to locate suitable candidates to recommend for employment.

The search for qualified teachers and other certificated employees will extend to a wide variety of recruitment activities. Characteristics of the district and the need for a heterogeneous staff from various cultural backgrounds will drive recruiting and hiring practices. Recruitment procedures will be consistent with established policies of the Board of Education.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the School District. Any current employee may apply for any position for which he/she has certification and possesses the other stated requirements.

Openings in the schools will be posted in sufficient time before the position is filled to permit current employees to submit applications.

LEGAL REF.: 105 ILCS 5/10-20.7a.

CROSS REF.: Administrative Procedure Handbook – Section 12.19-.22
5.001 – Personnel Goals

PART-TIME AND SUBSTITUTE CERTIFICATED STAFF EMPLOYMENT

The Board of Education authorizes the Superintendent/designee to employ part-time certificated personnel in staffing for District needs. The employment of part-time personnel will be consistent with the requirements for employing a full-time teacher in a similar position. Provisions of the Illinois School Code, directives of the State Board of Education, and established policies of the Board of Education will be followed.

Certificated personnel employed in any part-time capacity will not possess any rights to continual contractual service. All part-time personnel will be advised in writing by the District of their status for the next school term no later than sixty calendar days prior to the end of the current school term.

In order to sustain continuity of program and operations on occasions of temporary absence by certificated personnel, qualified substitute personnel who hold a valid teaching or substitute certificate will be employed as needed by the District. Their employment will be in accordance with the Illinois School Code, guidelines of the State Board of Education, and policies of the Board of Education.

Substitute personnel will be compensated for their services on the basis of a daily rate established by the Board of Education. If retained for a period of at least twenty consecutive school days in the same specific assignment, substitutes will be compensated on a per diem basis commensurate with their appropriate placement on the salary schedule.

Non-contractual substitute personnel will be eligible for District fringe benefits if employed for at least ninety consecutive school days in the same assignment.

For periods of extended, but temporary, absence of certificated personnel, the Board of Education may employ temporary instructional staff. Their employment will be executed in accordance with the Illinois School Code, guidelines of the State Board of Education, and policies of the Board of Education.

Their period of employment will be for at least ninety school days as a full time certificated staff member. Their salary will be determined on a per diem rate based on their appropriate placement on the salary schedule. They may be considered for advancement of one step on the salary schedule if rehired for the following year.

LEGAL REF.: Illinois School Code: 105 ILCS 5/21-9

CROSS REF.: 5.001 – Personnel Goals

SUPPORT STAFF SUPPLEMENTARY PAY PLANS

Approved hours worked beyond the standard forty-hour week will be considered as overtime for non-exempt employees. Such overtime will be compensated in accordance with federal and/or state labor regulations and current contractual agreements entered into by the Board of Education.

LEGAL REF.: Fair Labor Standards Act 29 U.S.C. 201 et. seq, 29 C.F.R. 500 et. seq.

CROSS REF.: Administrative Procedure Handbook – Section 12.24

SUPPORT STAFF FRINGE BENEFITS

Certain fringe benefits are established through Board policy and through negotiations with employee bargaining units. Benefits granted to employees who are not members of a bargaining unit will be generally equal to those granted employees in similar positions.

CONTRACT REF.: District U-46 Educational Assistants
District U-46 Secretarial Association
District U-46 Transportation Union
Education Support Services Organization
SEIU Local 73, Food Services Employees

CROSS REF.: 5.185 - Staff Protection
5.293 - Retirement of Support Staff Members
Administrative Procedure Handbook – Section 12.16-19

SUPPORT STAFF RECRUITING / POSTING OF VACANCIES / HIRING

The Board of Education will establish, and budget for, support staff positions in the School District on the basis of need.

The recruitment and selection of candidates for such positions in the schools and District-wide positions will be the responsibility of the Assistant Superintendent for Human Resources. The District shall hire the best qualified personnel consistent with budget and staffing requirements, and shall comply with School Board policy on equal employment opportunities and minority recruitment.

The Human Resources Office will maintain a list of vacancies in support staff positions and will assist school administrators in filling them.

All job openings will be posted in the Human Resources Office, in the staff rooms of the schools, and online. All applicants must complete a District online application to be considered. The Superintendent/designee will develop and maintain a comprehensive job description for each position.

The Board of Education will officially appoint all employees upon the superintendent's/designee's recommendation; however, tentative appointments may be made by the Superintendent/designee prior to Board action.

Each applicant must provide a written authorization for a criminal background investigation. 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 are performed on each applicant as required by State law. The Superintendent/designee shall notify an applicant if identified in the Database as a sex offender.

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 §10-21.9 of the Illinois School Code or who falsifies or omits facts from his or her employment application or other employment documents.

New employees must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis.

Any employee may be required to have an additional examination by a physician if the examination is job related and consistent with business necessity.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-20.7(a), 21.4, -21.4a, -22.34, -23.5; 105 ILCS 5/24-4
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.

CONTRACT REF.: District U-46 Educational Assistants; District U-46 Secretarial Association
District U-46 Transportation Union; Education Support Services Organization (Maintenance and Custodial); and SEIU Local 73, Food Services Employees

CROSS REF.: Administrative Procedure Handbook – Section 12.19-.22

SUPPORT STAFF PROBATION AND TENURE

Each newly employed or promoted support staff employee will complete a probationary period commensurate with the responsibilities of the position. Upon successful completion of the probationary period, seniority rights will be retroactive to the first day of employment in that position.

CONTRACT REF.: District U-46 Secretarial Association
District U-46 Transportation Union
District U-46 Educational Assistants
Education Support Services Organization (Maintenance and Custodial)
SEIU Local 73, Food Services Employees

COMMUNICABLE AND CHRONIC INFECTIOUS DISEASE

Infectious diseases are defined as, but not limited to, congenital rubella syndrome (CRS), chronic hepatitis B, cytomegalovirus (CMV), HIV/acquired immunodeficiency syndrome (AIDS), herpes simplex and active tuberculosis.

A. Reporting Procedures

1. Any report that an employee of the District has an infectious disease or has tested positive to the presence of antibodies of an infectious disease, will be made or forwarded in confidence to the Superintendent/designee. The employee's medical records shall be held in confidence by the appropriate personnel, except to the extent allowed by law.
2. The identity of an employee who has or is believed to have an infectious disease or who has tested positive to the presence of antibodies of an infectious disease will not be revealed by any District employee or official to anyone including other District employees except as is authorized herein or as is necessary to implement the procedures referred to herein.
3. The Superintendent/designee will notify the Department of Public Health if an employee of the District has a condition for which reporting is required by said Department regulations.

B. Review Procedures

1. If the Superintendent/designee has reasonable grounds to believe that an employee of the District has an infectious disease or has tested positive to the presence of antibodies of an infectious disease, the Superintendent/designee will immediately contact the employee and require that the employee submit a letter from his/her physician indicating whether or not the employee is able to perform his/her regular duties without risk to the employee or others. The opinion of the employee's physician will be considered but will not be controlling. The Board of Education may require a subsequent examination when, in its judgment, such examination is job-related and consistent with business necessity. The examining physician may be selected by the employee, but must be approved by the Board, and the Board will pay the cost of the required examination. Determining whether an employee with a communicable or chronic infectious disease may retain his or her position will be made in accordance with established procedures, and made on a case-by-case basis.
2. Employees with a communicable or chronic infectious disease will be permitted to retain their positions, whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of disease to others, provided the employee is able to continue to perform the position's essential functions.
3. If the Superintendent/designee determines that the employee is not able to perform his/her regular duties without endangering the employee or others, the employee will be removed from his/her duties in accordance with applicable procedures.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12101 et seq.; Rehabilitation Act of 1973, 29 U.S.C. §791; 20 ILCS 230516; 105 ILCS 5/24-5; 820 ILCS 40/1 et seq.; Rules and Regulations for the Control of Communicable Diseases, issues by the Illinois Department of Public Health

1987/1989/1996/1997/2004

DRUG AND ALCOHOL-FREE WORKPLACE POLICY

All District workplaces are drug and alcohol-free workplaces.

All employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, using, consuming or being under the influence of controlled substances or alcohol while on the District's premises or while performing work for the District.

As a condition of employment, all employees must:

1. Abide by the terms of this policy; and
2. Notify the Superintendent/designee of criminal drug conviction for a violation occurring on the District's premises or while performing work for the District no later than five calendar days after such conviction.

For all employees the Board:

1. Will provide a copy of this policy to all employees, and post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
2. Will establish a drug-free awareness program informing employees about the dangers of drug abuse in the workplace, the available drug counseling programs, and the penalties that may be imposed by the District for drug abuse violations;
3. Will report any drug statute convictions to the federal or state government agency within ten days of notifications of any employees performing under a federal or state contract or grant;
4. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations, and enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
5. Will take appropriate personnel action, up to and including termination, against a convicted employee within 30-days following notice of a conviction. Where appropriate, in the superintendent's/designee discretion, employees who are convicted of such crimes may be required to participate in and satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program.
6. Any employee who violates this policy will be subject to disciplinary action up to and/or including termination from employment.
7. 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/designee shall notify the appropriate State or federal agency from which the District receives such contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

Definitions

"Controlled substances" means substances listed in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C., ¶ 812. Included are such illegal drugs as marijuana, cocaine, crack, or legally obtainable drugs which are not being used for prescribed purposes and/or not being taken according to prescribed dosages.

"Conviction for a violation of a criminal drug statute" means a finding of guilt, a no contest plea, or plea of guilty, or an imposition of sentence by a judicial body.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12114; 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. §701 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 580/1 et seq.

1990/1997/2004/2010/2013

Amended: 4.22.13

TOBACCO PROHIBITION

To promote the health, safety and well-being of all employees and students in the District, use of tobacco and tobacco products including electronic cigarettes in all School District buildings, on all School District grounds and at all school-sponsored functions will be prohibited at all times.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-20.5b;
Pro-Children Act of 1994, 20 USC § 6081 et seq.

ALCOHOL AND DRUG USE BY AND TESTING OF SCHOOL BUS DRIVERS
AND OTHER EMPLOYEES REQUIRED TO HOLD A COMMERCIAL DRIVER'S LICENSE

All school bus drivers must have a valid school bus driver permit. No bus driver shall report for duty or remain on duty while having any alcohol concentration above zero, use alcohol within four hours of reporting for duty, or use or possess alcohol while on District property or while on duty. All other employees who are required to hold a Commercial Driver's License, including but not limited to mailroom drivers, food services drivers, warehouse/distribution center drivers and mechanics, shall not report for duty or remain on duty with an alcohol concentration of 0.02 or greater, use alcohol within four hours of reporting for duty, or use or possess alcohol while on District property or while on duty. Furthermore, no employee required to hold a CDL shall report for duty or remain on duty when the employee uses any controlled substances identified in 21 C.F.R. § 1308.11 Schedule I, nor shall the employee use or possess any such controlled substance while on District property or while on duty. No employee required to hold a CDL shall report for duty or remain on duty when the employee uses any non-Schedule I drug or substance identified in the other Schedules to 21 C.F.R. § 1308, nor shall the employee use or possess any such controlled substance while on District property or while on duty, except when the use or possession is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle or safely perform the employee's assigned work duties. The District shall adhere to federal and State laws and regulations requiring drug and alcohol testing of all employees who hold a CDL and drive a school bus or other commercial motor vehicle. The Superintendent/designee is responsible for promulgating the necessary regulations and implementing the testing programs. An employee required to hold a CDL who is found to be in violation of this policy is subject to discipline, up to and including immediate termination.

LEGAL REF.: United States Code, Title 49 § 31301 *et seq.*, Omnibus Transportation Employee Testing Act of 1991
Code of Federal Regulations, Title 49, Parts 40, 382 and 395; Title 21, Part 1308
625 ILCS 5/6-106.1 and 5/6.1c

MEDICAL MARIJUANA AND EMPLOYEES

The Board of School District U-46 recognizes the recent passage of the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*). It is the policy of the School District to adhere to the provisions of the Act. Specifically, the District acknowledges that the Act provides certain protections for qualifying patients or designated caregivers with a valid registry identification card issued by the Department of Public Health for the medical use of cannabis.

Although no employee is prohibited from exercising any rights under the Act, including the right to obtain a valid registry identification card under the Act, all District employees, including valid registry identification cardholders, are prohibited from the following, regardless of whether or not they are a valid registry identification cardholder:

- Possessing, using, or being under the influence of a controlled substance, including medical marijuana on any school grounds, including any building, real property, school bus or other transportation vehicle, or parking area under the control of the District (a) while at any school-related function, or (b) while acting as an employee of the District; and
- Possessing, using, or being under the influence of any controlled substance, including medical marijuana, at any time or in any place in a manner that is otherwise prohibited or subject to discipline by school district Policy or procedure.

Any employee who is found to be in violation of this Policy will be subject to discipline, up to and including termination.

This Policy will be applied to all employees in a non-discriminatory manner.

LEGAL REF.: 410 ILCS 130/1 *et seq.*

CROSS REF.: 5.050 – Drug and Alcohol Free Workplace

2014

Adopted: 7.21.2014

FIREARM PROHIBITIONS ON SCHOOL DISTRICT U-46 PROPERTY

The Board of Education recognizes the recent passage of the Illinois Firearm Concealed Carry Act of 2013 (IFCCA). It shall be the policy of the School District to adhere to the provisions of the IFCCA.

Definitions

For purposes of this Policy, the term “concealed firearm” means a loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle. The term “license” means a license issued by the Department of State Police to carry a concealed firearm.

Firearm Prohibition

All persons on school property, including students, teachers, other District staff members, parents, volunteers, and other District visitors, are prohibited from carrying a firearm into or onto any school building, real property, or parking area under the control of School District U-46, unless specifically permitted by State or federal law. This prohibition applies to all firearms, including concealed firearms for which a person has a concealed carry license.

Any employee of District U-46, including teachers or other staff, who is found to be in violation of this policy will be subject to discipline, up to and including termination. Any parent or visitor to school property who is found to be in violation of this Policy will be subject to consequences, including but not limited to those provided in the IFCCA. Any student who is found to be in violation of this Policy will be subject to the Code of Student conduct, up to and including expulsion.

LEGAL REF.: 430 ILCS 66/1 *et seq.*

CROSS REF.: 7.190 – Student Discipline
5.091 – Firearm Notification and Reporting Policy

2014

Adopted: 7.21.2014

STAFF PARTICIPATION IN COMMUNITY ACTIVITIES

To increase the opportunities for purposeful interaction with the community and to stimulate a mutual understanding of the role of education with the other activities of the community, the Board of Education encourages the active participation of the District staff with the various communities of the District. Requests for participation during the school day may be approved by the Superintendent/designee if they are considered to be in the interest of the School District.

Staff members who are invited to make public appearances on behalf of the District will obtain prior approval from their immediate supervisor.

CHILD ABUSE AND NEGLECT

Any District employee who suspects or receives information 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 immediately: (1) report or cause a report to be made to the Illinois Department of Children and Family Services on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606, and (2) follow any additional directions given by the Illinois Department of Children and Family Services to complete a report. The employee shall also promptly notify the Superintendent/designee, appropriate Assistant Superintendent, Building Principal or Department Director that a report has been made. All District employees shall sign the Acknowledgement of Mandated Reporter Status form provided by the Illinois Department of Child and Family Services (DCFS) and the Superintendent/designee shall ensure that the signed forms are retained.

Any District employee who discovers child pornography on electronic and information technology equipment or as a hardcopy 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/designee or Building Principal shall also be promptly notified of the discovery and that a report has been made.

The Superintendent/designee shall execute the requirements in Board policy 5.151, 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/designee 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 abusive act toward a child. The Superintendent/designee must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the licensure holder.

The Superintendent/designee shall provide staff development opportunities for school personnel working with students in grades *pre*-kindergarten through 12, in the detection, reporting, and prevention of child abuse and neglect.

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/

CROSS REF.: Administrative Procedure Handbook – Section 6.1-.4

2001/2004/2007/2013/2015
Amended: 3.2.15

FIREARM NOTIFICATION AND REPORTING POLICY

All school employees are required to immediately notify the principal or department head in the event that they observe any person in possession of a firearm on school grounds; provided that taking such immediate action to notify the principal or department head would not immediately endanger the health, safety, or welfare of the school employee or students.

If the health, safety, or welfare of the school employee or students is immediately endangered, the school employee shall notify the office of the principal as soon as he/she or the students are no longer under immediate danger.

A report is not required when the school employee knows that the person in possession of the firearm is a law enforcement official engaged in the conduct of his or her official duties. Any school employee acting in good faith who makes such a report under this Section shall have immunity from any civil or criminal liability that might otherwise be incurred as a result of making the report. The identity of the school employee making such report shall not be disclosed except as expressly and specifically authorized by law.

Knowingly and willfully failing to comply with this reporting requirement constitutes a petty offense under State law. A second or subsequent offense is a Class C misdemeanor.

Upon receiving a report from any school employee pursuant to this Section, or from any other person, the principal/designee shall immediately notify the local law enforcement agency. If the person found to be in possession of a firearm on school grounds is a student, the principal/designee shall also immediately notify that student's parent or guardian.

Any principal/designee acting in good faith who makes such reports under this Section shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of making the reports.

Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school property, the Superintendent/designee shall report all such incidents to the local law enforcement authorities immediately and to the Department of State Police in the form, manner, and frequency as prescribed by the Department of State Police.

LEGAL REF.: 105 ILCS 5/10-27.1A

CERTIFICATED STAFF ORIENTATION

To acquaint staff members with their duties and responsibilities for the school year, an orientation period of one or more days will be held as determined by the Superintendent/designee.

STAFF INVOLVEMENT IN DECISION MAKING

The Board of Education will encourage employees to contribute their ideas for the betterment of the School District. Employees will be asked to help in developing policies and regulations; establishing goals and objectives; and planning curriculum, services, budget and facilities.

The administration shall welcome suggestions from employees when devising regulations and procedures for the operation of the schools.

All staff will be given opportunity to contribute to curriculum development and to recommend policies and regulations pertaining to students and instruction.

CROSS REF.: 4.156 – Enrollment Projections
 6.040 – Curriculum Content and Development

EXCHANGE TEACHING

The Superintendent/designee may approve a request by a licensed employee for a leave of absence to participate in an exchange teacher program with another school in the District or a school or program outside the District. Such programs will be for the purpose of allowing teachers to gain experience in new and different or innovative educational programs or teaching techniques. Such programs would involve replacement teachers on an exchange basis with the other participating school, district, or program. The leave will be for a period of up to one year.

CONTRACT REF.: The Elgin Agreement

STAFF RESEARCH AND PUBLISHING

Staff will be encouraged to contribute professional articles, manuscripts, or books to such publishers or publications that may be interested in them. The Board of Education recognizes that staff under contract to District U-46, in carrying out their responsibilities, may develop materials for use in District programs. The Board requires that such materials developed as a part of regular employment become the property of District U-46; by contrast, those materials created when a staff member is not fulfilling contractual duties to the District will remain the property of the staff member.

PROFESSIONAL ORGANIZATIONS

Employees will be encouraged to join and actively participate in professional organizations which encourage and provide for professional growth.

CERTIFICATED STAFF CONSULTING ACTIVITIES

The Board of Education recognizes that many of its certificated employees are extremely knowledgeable in their fields and may be called upon from time to time to offer professional consulting services. In order to perform such services during normal working hours, a staff member must apply for and receive authorization from the Superintendent/designee. Such consulting services will not interfere with the employee's regular duties and responsibilities nor utilize District-owned equipment. Any monies accrued from services rendered during duty hours will be relinquished to the District or will be retained by the individual in lieu of a withholding of the regular District salary for the period of consulting.

LICENSED STAFF DEVELOPMENT OPPORTUNITIES /
VISITATIONS AND CONFERENCES

The Superintendent/designee shall implement a staff development program.

It is essential that all licensed employees be engaged in a continuous program of staff development in order to remain fully qualified in contributing to a quality educational program for all students served by District U-46 and that they update and improve their skill and knowledge in order to maintain high levels of performance and renew certification. Therefore, the Board of Education encourages opportunities for staff development.

The Board of Education may require that staff members attend staff development sessions that are arranged on their behalf within the confines of the established expectations of time commitment to duties.

At least once every 2 years the in-service training of licensed school personnel and administrators shall include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral intervention in the school environment, and the use of psychotropic or psycho stimulant medication for school-aged children.

Licensed employee absence for staff development activities outside the employee's building must receive prior approval by the Superintendent/designee. Absences to attend meetings, conventions, conferences, or workshops of local, state, or national associations which serve to advance the welfare of the district through the upgrading and strengthening of the licensed employee may be granted by the Superintendent/designee without loss of pay to the employee.

Principals may authorize time for classroom observations and visitations that may or may not require substitute services.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-22.39; 105 ILCS 5/24-3, -5; 105 ILCS 5/2-3.60, 5/2-3.64, 5/10-22.39 and 110/3

TUTORING FOR PAY

Any teacher may enter into an agreement with parents for tutoring students for a fee, but this practice must be limited to students other than those for whom the teacher is currently exercising teaching, administrative, or supervisory responsibility, unless prior approval is obtained from the Superintendent/designee, or unless it is for students in a home/hospital program.

Tutoring for a fee may not take place within school facilities or during regular school hours.

The Board of Education is not involved in setting tutoring fees. Fees should be mutually agreed upon by parent/guardian and teacher.

Teachers will not actively solicit students for tutoring. The special education office maintains a list of tutors in the geographic area of the District. Any teacher wanting to submit his/her name for the list may do so. The list will be made available to any person interested in securing tutoring services.

CROSS REF.: 5.108 – Home/Hospital Tutoring

HOME/HOSPITAL TUTORING

Any teacher may be requested to provide instruction in an approved home/hospital tutoring program for students whom the teacher is currently exercising teaching, administrative, or supervisory responsibility. Tutoring in a home/hospital program will be considered an exception to the restrictions set forth in Policy 5.107, Tutoring for Pay.

The applicable tutoring fee is the hourly rate under The Elgin Agreement for extra pay for extra work. Tutoring generally is provided at home or in a hospital after school hours but also may take place within school facilities or during school hours, upon approval by the Superintendent/designee.

The special education office maintains a list of tutors in the geographic area of the District. Any teacher wanting to submit his/her name for the list may do so. The list will be made available to any person interested in securing tutoring services. Selection of a tutor will be on a voluntary basis, with preference given to the child's current classroom teacher.

CROSS REF.: 5.107 – Tutoring for Pay

SUPPORT STAFF DEVELOPMENT OPPORTUNITIES

It is essential that all employees be engaged in a continuous program of staff development in order to remain fully qualified in contributing to a quality educational program for all students served by District U-46. Therefore, the Board of Education encourages opportunities for staff development.

Support Staff will be encouraged to grow in job skills and to take additional training that will improve their skills on the job. It will be the responsibility of principals and supervisors to assist to the maximum degree in the training of support staff.

Absences to attend meetings, conventions, conferences, or workshops which serve to advance the welfare of the District through the upgrading and strengthening of the support staff may be granted by the Superintendent/designee pursuant to any contractual agreement.

CONTRACT REF.: District U-46 Educational Assistants; District U-46 Secretarial Association;
District U-46 Transportation Union

STAFF CONFLICT OF INTEREST AND ETHICS

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 relationships.

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 responsible for negotiating contracts, including collective bargaining agreements, 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.

Employees engaged in work outside of the School District will not secure nor use any information concerning students, parents, staff, or operations of District U-46 to further the interest of the employee or the outside employer. Students shall not be used in any manner for promoting a political candidate or issue.

No District employee shall be directly or indirectly interested in any contract, work or business of the District or in the sale of any article by or to the District, except when the employee is the author or developer of instructional materials listed with the 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.

LEGAL REF.: Illinois School Code: 5 ILCS 420/4A-101, 105 ILCS 5/10-9; 105 ILCS 5/22-5; 105 ILCS 5/24-22; P.A. 93-617

CROSS REF.: 2.127 — Ethics and Gift Ban

STAFF-STUDENT RELATIONS

The relationships between students and all staff members will reflect the high ethical standards and sound judgment commensurate with persons involved in providing professional educational services.

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 smartphones or other devices such as, BlackBerrys, Androids, iPhones, iPads and iPods.

Usage and Conduct

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

1. Adhere to the high standards for appropriate school relationships in 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 the following Board policies: Workplace Anti-Harassment Policy, 5.020; Staff Conflict of Interest and Ethics, 5.120; Anti-Harassment – Students, 7.020; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Not use personal technology and social media to share, publish, or transmit information about or images of students and/or District employees in violation of the Illinois School Student Records Act (ISSRA) and the Family Educational Rights and Privacy Act (FERPA).
3. Follow District Copyright Policy.
4. Personal use of personal technology and social media must occur during times and places where the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
5. Be aware of the risks associated with the use of personal technology and social media at school or school-sponsored activities. This can include students’ viewing Internet materials through the District employee’s personal technology or social media that may violate existing Board policy, regulations, rules or law. The Board expressly disclaims any liability for imposing content filters, blocking lists, or monitoring of its employees’ personal technology and social media.
6. 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.
7. Be subject 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/designee shall:

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct.
2. Direct Principals and Department Heads to annually:
 - a. Provide their staff with a copy of this policy.
 - b. Inform their staff about the importance of maintaining high standards in their school and/or work relationships.
 - c. Remind their staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
 - d. Train their staff on the content and significance of this policy.
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 and guidelines, with District employee representatives and 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.: 5.020 – Workplace Anti-Harassment Policy; 5.030 – Certificated Staff Hiring; 5.151 – Personnel Records; 5.170 – Copyright; 6.214 – Use of Technology; 7.020 – Anti-Harassment – Students; 7.340 – Student Records

2013

Adopted: 4.22.13

PERSONNEL RECORDS

It is the intent of the Board of Education to maintain complete personnel files for all current and former district employees. The employees' personnel records shall be maintained in the District's administrative offices under the superintendent's/designee's direct supervision.

The file of an individual employee will be considered confidential information and will be available only to authorize administrative personnel, the employee, or anyone who has the employee's written consent.

The Superintendent/designee shall execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for 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 the Department of Children and Family Services (DCFS). Those requirements are as follows:

- The Superintendent/designee must disclose to the requesting school district the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to DCFS;
- Only the fact that an employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS may be disclosed by the Superintendent/designee to which the request for information concerning the applicant is made, and this fact may be disclosed only in cases where the employee and the superintendent have not been informed by DCFS that the allegations were unfounded;
- An employee who is or has been the subject of a report made pursuant to this Act during his or her employment with the school district must be informed that if he or she applies for employment with another school district, the Superintendent/designee upon the request of the school district to which the employee applies, shall notify that requesting school district that the employee is or was the subject of such a report.

Any employee of District U-46 will have the right, upon request, and under the supervision of the Superintendent/designee, to review and reproduce at personal expense the contents of the employee's District personnel file excluding confidential college credentials, confidential outside recommendations, and confidential information given by a previous employer.

Each employee will receive a copy of all written reports made within the District which may be placed into his/her District personnel file. The employee will have the right to respond in writing to any such report and to submit additional information for placement into his/her personnel file.

All current and former employee personnel files are the sole property of the District, which will retain these files as an official record until such time as deemed appropriate for disposal.

LEGAL REF.: 325 ILCS 5/4, 820 ILCS 40/1 et seq.; 23 Ill. Admin. Code §1.660
CONTRACT REF.: District U-46 Educational Assistants; District U-46 Secretarial Association;
District U-46 Transportation Union; Education Support Service Organization
SEIU Local 73 Food Services Employees; and The Elgin Agreement

1986/1987/1989/1997/2001/2004/2010/2013
Amended: 4.22.13

COPYRIGHT

Works Made for Hire

The Superintendent/designee shall manage the development of instructional materials and computer programs by employees during the scope of their employment in accordance with State and federal laws and School Board policies. Whenever an employee is assigned to develop instructional materials and/or computer programs, or otherwise performs such work within the scope of his or her employment, it is assured the District shall be the owner of the copyright.

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. 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 designee 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. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. 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. The Superintendent's designee for this Policy is the Chief Legal Officer.

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

STAFF HEALTH AND SAFETY

For the general welfare of the staff, the Board of Education requires that all newly employed staff provide evidence of physical fitness to perform duties assigned and freedom from communicable disease such as tuberculosis. Such evidence will consist of a physical examination and tests by a licensed physician of the employee's choice within no more than 90 days before the employee's submitting evidence of the same to the Human Resources Department. The cost of such examinations will rest with the employee.

New employees not complying with this regulation within forty-five days of their initial employment will have their first check following employment and all subsequent checks held until compliance is satisfied.

The Board of Education may require a subsequent examination by a licensed physician, in accordance with the Illinois School Code, when, in its judgment, such an examination is relevant to employee performance or status is job-related and consistent with business necessity. The examining physician may be selected by the employee, but must be approved by the Board, and the Board will pay the cost of the required examination.

Annual eye examinations will be required of all transportation employees.

LEGAL REF.: Illinois School Code: 105 ILCS 5/24-5
Contractual Agreements
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

TEMPORARY ILLNESS

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 gross salary.

Those insurance plans privately purchased by the employee and to which the District does not contribute, are not subject to this Policy.

LEGAL REF.: 105 ILCS 5/10-22.4 and 5/24-13

STAFF PROTECTION

The Board of Education will defend its employees against claims that may be entered against them as a result of carrying out their assigned responsibilities and within the scope of their employment.

To protect its own financial resources as well, the Board will provide for sufficient liability coverage for personnel, workers' compensation coverage, malpractice insurance as needed, and unemployment compensation insurance.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-20.20, -21.7, 22.3

CERTIFICATED STAFF POSITIONS

1. The Board requires that in order to provide a purposeful educational effort certificated staff must have expertise and understanding in the learning and the development process of young people.
2. The term certificated staff will be used for those employees who must possess educator license issued by the State Board of Education in order to hold their positions.
3. In order to fully and adequately provide for the educational needs of the District, the Superintendent/designee is authorized to establish, to maintain, and to reconfigure certificated positions as deemed appropriate within the means approved by the Board of Education.

The following definitions will apply to teaching staff:

1. New Teacher
 - A. Any teacher newly employed for the current year beginning employment on the opening day of school.
 - B. A part time teacher going to full time.
 - C. An honorably dismissed teacher from the previous year who was employed on or after November 1 being rehired for the current year.
 - D. Any teacher on contract for the first time.
2. One Year Only
 - A. Any teacher being hired to fill a position for a teacher on leave or a position dependent upon special funding.
3. Second Year
 - A. A teacher who completed a full year of teaching the previous year, and is being rehired for a second full year.
4. Tenured
 - A. Any full time teacher signing a full time contract for the fifth consecutive year.
 - B. Any tenured teacher honorably dismissed the previous year who is rehired for the subsequent full year.
5. Part Time
 - A. A teacher employed for less than the full number of hours per day.
6. Temporary Instructional Staff (T.I.S.)
 - A. Any teacher beginning after the opening of school but working at least ninety days in that year.
7. One Semester Only
 - A. Teacher hired for a single semester.

8. Permanent Substitute

- A. A substitute teacher remaining in the same position for the same teacher for at least twenty days but not more than eighty-nine school days.
- B. A teacher who is hired to fill a vacancy for one year and who is not fully certificated/qualified to hold the position, but was employed because no fully qualified teacher for the position could be found.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-21.1, -21.4, -21.4a, -22.20b, -22.23, -22.23a, -22.24a; Article 21

CERTIFICATED STAFF COMPENSATION PLANS

The Board of Education recognizes that competitive compensation plans are necessary to attract and retain highly qualified staff members to administer its schools and provide an effective educational program.

Certificated staff shall be paid according to the salary schedule adopted by the School Board, but in no case less than the minimum salary provided by the Illinois School Code.

Certificated staff shall be paid at least monthly on a 10- or 12-month basis.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-20.7, -20.15, -21.1, -23.8a, -23.8b; 105 ILCS 5/24-1, -7, -8, -11, -21, -23

CONTRACT REF.: The Elgin Agreement

CERTIFICATED STAFF FRINGE BENEFITS

Benefits provided the certificated staff are considered part of the overall compensation plan. These will include health (hospitalization, major medical), dental, life, short term disability insurance and long term disability insurance. The amount of insurance benefits to be granted teachers is established in The Elgin Agreement.

LEGAL REF.: Illinois School Code, 105 ILCS 10-22.3A

CONTRACT REF.: The Elgin Agreement

TEACHER PROBATION AND TENURE

In accordance with state law, teachers will be granted tenure upon re-employment after a probationary period of four consecutive years of successful service under contract with the District. Thorough and competent evaluations will be required of all personnel before they become candidates for tenure, in accordance with the Elgin Agreement and the District's teacher evaluation plan.

Evaluations will be discussed with teachers; the provisions of the Illinois School Code will be followed in the non-renewal of a contract.

LEGAL REF.: Illinois School Code: 105 ILCS 5/24-11, -12, -12.1, -13, -13.1, -14

CONTRACT REF.: The Elgin Agreement

TEACHER ASSIGNMENTS AND TRANSFERS

The Superintendent/designee is authorized to make teaching, study hall, extra class duty, and extracurricular assignments.

Assignments will be based upon the needs of the School District and upon the qualifications of staff members. Personnel will be assigned without regard to race, creed, color, gender, sexual orientation, disability, national origin, or any other legally protected status, in accordance with applicable legal requirements.

Changes in enrollment or curriculum or changes for other reasons may necessitate reassignment of some personnel. No teacher will be assigned to teach in a grade level and/or subject area not within the scope of his/her teaching license or of his/her major or minor field of study, except in exigent circumstances.

In the event of transfers the provisions of The Elgin Agreement and the Illinois School Code will be followed.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-21.4a, -23.8b; 105 ILCS 5/24-4; Article 21

CONTRACT REF.: The Elgin Agreement

TEACHER TIME SCHEDULES

In order to be prepared for class instruction and/or student contact, teachers will be required to report at a reasonable time prior to the arrival of students and will remain on duty for a reasonable period of time after the students leave, so as to be available for student and/or parent/guardian conferences, and other professionally related tasks.

All teachers will be entitled to a duty free, uninterrupted lunch period equal to the regular, local school lunch period but not less than thirty minutes in each school day.

All elementary teachers may have at least a ten minute relief period in both the morning and afternoon each day. It will be the teacher's responsibility, in accordance with the Illinois School Code, to provide adequate supervision for his/her class during his/her absence during these relief periods.

LEGAL REF.: Illinois School Code: 105 ILCS 5/24-9

CONTRACT REF.: The Elgin Agreement

TEACHER WORKLOAD / EXTRA DUTY

The Board of Education, within the resources that are approved and made available, will maintain staff work loads conducive to an effective educational program within the guidelines of The Elgin Agreement.

CONTRACT REF.: The Elgin Agreement

REDUCTION IN CERTIFICATED STAFF WORK FORCE

When it becomes necessary to reduce the number of certificated staff members in the District due to a decrease in the number of teachers needed or to discontinue some particular type of teaching service, such determination will be made in accordance with the requirements of the Illinois School Code and The Elgin Agreement.

LEGAL REF.: Illinois School Code: 105 ILCS 5/24-12

Contract Ref.: The Elgin Agreement

EVALUATION OF CERTIFICATED STAFF
TEACHERS

The District's teacher evaluation system will be conducted under the plan filed with the Illinois Board of Education and in compliance with the Illinois School Code and the Elgin Agreement.

There will be an ongoing appraisal of the performance of teachers to provide:

1. A systematic process whereby all teachers may increase the effectiveness of their services, using the available professional resources.
2. Opportunity for all teachers to analyze their strengths and weaknesses as they relate to the teaching-learning process and to discuss objectively the contributions they have made to the school teaching-learning process.
3. Opportunity for the administrative staff to analyze the strengths and weaknesses of individual teachers and to use this knowledge to develop supervisory service to assist individuals in developing objectives to improve their competence. These may relate to the teaching-learning process and/or other professional responsibilities.

LEGAL REF.: 105 ILCS 5/24A-1 et seq.

CONTRACT REF.: The Elgin Agreement

CERTIFICATED STAFF MEETINGS

Building or department staff meetings involving all members of the faculty will be conducted by the administration from time to time for the purpose of successful functioning of the school, department, or District.

CONTRACT REF.: The Elgin Agreement

NON-SCHOOL EMPLOYMENT BY CERTIFICATED STAFF MEMBERS

Outside employment is defined as employment for compensation or involvement in a business_which is not within the duties and responsibilities of the employee's regular position with the School District. Outside employment will not interfere with the regular duties and responsibilities of the employee's regular position with the School District, will not be conducted from the facility where the employee works and will not utilize District-owned equipment. 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.

The private and personal life of any employee is not within the appropriate concern or attention of the Board of Education, and the Board will take no position concerning such activities, subject to the Board's right to evaluate any professional's competence, performance, or effectiveness as a professional.

CONTRACT REF.: The Elgin Agreement

RESIGNATION OF CERTIFICATED STAFF MEMBERS

All certificated tenured employees desiring to terminate their services to the District will submit written notice to the Superintendent/designee at least thirty days prior to the beginning of the ensuing school term or by obtaining concurrence of the Board. Without such notice, no certificated tenured employee will be permitted to resign except by the mutual agreement of the Board and the employee. No teacher may resign during the school term, without the concurrence of the Board, in order to accept a teaching assignment in another district.

LEGAL REF.: Illinois School Code: 105 ILCS 5/24-14

Contract Ref.: The Elgin Agreement

RETIREMENT OF LICENSED STAFF MEMBERS

Any teacher or administrator may retire upon submitting written notification to the Superintendent/designee at least 30 days prior to the desired date of retirement.

The Human Resources Department will provide for assistance for any retiring licensed employee in preparing for and acquiring the benefits accrued while employed in District U-46.

LEGAL REF.: Illinois School Code: 40 ILCS 5/16-133.2 et. seq
Age Discrimination in Employment Act, 29 USC § 621 et seq.

SUSPENSION AND DISMISSAL OF CERTIFICATED STAFF MEMBERS

Suspension without Pay

The Superintendent/designee may suspend certificated employees without pay pending a dismissal hearing or as a disciplinary measure for up to ten (10) working days for misconduct that is detrimental to the interests of the District. Misconduct 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.

Before invoking a suspension without pay, the Superintendent/designee shall notify the employee of the charges and provide the employee an opportunity to refute the charges.

If the superintendent/designee imposes a suspension without pay, the employee shall have the right to appeal the suspension to the Board of Education. If an appeal is requested, the Board of Education or an appointed hearing officer shall conduct a hearing at which the employee may be represented by counsel and may present evidence on his/her behalf.

Suspension with Pay

The Superintendent/designee may immediately relieve a certificated employee from his/her duties, with pay, during an investigation into allegations of misconduct whenever the employee's continued presence in his/her position would not be in the best interests of the District, or during the pendency of an appeal to the Board of Education.

The Superintendent/designee shall meet with the employee to present the allegations and provide the employee with an opportunity to refute the charges.

Dismissal

Certificated employees will be dismissed in accordance with the applicable provisions of the Illinois School Code and applicable regulations.

Probationary certificated employees may be dismissed from the District when the interests and needs of the District require such action and shall be dismissed in accordance with the applicable provisions of the Illinois School Code and applicable regulations.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-20.26, -21.4, -21.4a, -22.4, -22.4a, -23.8a;
105 ILCS 5/24-11, -12, -12.1, -15, -16; 105 ILCS 5/21-23, -23a

CONTRACT REF.: The Elgin Agreement

1986/1987/1989/1997/2004/2013
Amended: 4.22.13

SUPERVISION AND DISCIPLINE OF STUDENTS

Employees of the District, in assuming quasi parental responsibilities for students as described in the Illinois School Code, will afford the necessary and appropriate supervision for and discipline of students assigned to them for the school day or any portion thereof.

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, 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 a physically painful position, and intentional infliction of bodily harm). 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.: Illinois School Code: 105 ILCS 5/24-24

CROSS REF.: 7.190 – Student Discipline

CERTIFICATED LEAVES AND ABSENCES

All leaves and absences will be granted in accordance with the Board policies pertaining to leaves and absences for specific purposes and with federal and state law.

The administration and supervision of these policies will be the responsibility of the Superintendent/designee.

CERTIFICATED STAFF LEAVES AND ABSENCES

The following leaves with pay will be accorded teachers and other members of the certificated staff:

1. Sick Leave

Each full time certificated employee shall be allowed twelve days leave per year without loss of pay for sick leave.

The Board may require a physician's certificate as a condition for paying sick leave after 3 days absence for personal illness, or as it deems necessary in other cases. If the Board requires a certificate during a leave of less than 3 days, it shall pay the expenses incurred by the employee.

2. Personal Leave

At the beginning of each school year each certificated employee shall be credited with three days of personal leave to be used for the employee's personal business. Any unused personal leave days shall accumulate as sick days. Personal days may be used as sick days in the event that a certificated employee has exhausted his/her sick leave days. Personal days must be approved in advance by the employee's principal or supervisor. Personal days may not be used for recreational purposes.

3. Association Leave

Association leave days shall be granted upon authorization by the Association president and notification to the Superintendent/designee. The Association shall pay for the cost of the substitute teacher at the regular per diem substitute rate.

4. Jury Duty

Each certificated employee shall be excused from his/her regularly assigned duties for jury duty or pursuant to a subpoena for serving as a witness or having a deposition taken in any school-related matter pending in court. He/she shall be paid the difference between the salary and the jury/subpoena fee or return the difference if the fee is greater than the salary.

5. School Visitation Leave

An eligible 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 staff member's child, if the conference or activity cannot be scheduled during non-work hours. Staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the staff member, except sick and disability leave.

6. Leaves for Service in the Military and General Assembly

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

7. Domestic and Sexual Violence Leave

Any professional staff member may take unpaid leave from work 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 Victim's Economic Security and Safety Act governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, an employee is entitled to a total of 12 work weeks of 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 allowed under, or is in addition to the unpaid leave time permitted by, the federal Family Medical Leave Act of 1993 (29 U.S.C. § 2601, et. seq)

LEGAL REF.: Illinois School Code: 105 ILCS 5/24-6, -6,1, 6.3, -13.1; 105 ILCS 5/10-20.7820
ILCS 147/1 et. seq
Victims' Economic Security and Safety Act, P.A. 93-591

CONTRACT REF.: The Elgin Agreement

CERTIFICATED STAFF LONG-TERM LEAVES AND ABSENCES

Employees may be granted leaves of absences for one year or less for a sabbatical, professional improvement leave, military leave, Association officership leave, public office leave, maternity leave, disability leave, adoptive leave, exchange teacher program, job sharing and leave for victims of domestic or sexual violence or for those with a family/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 granting of an extended leave of absence to any employee will require Board action and will be made in accordance with the Illinois School Code and The Elgin Agreement.

Eligible professional staff members who (1) are victims of domestic or sexual violence or (2) have a family or household member who is a victim of domestic or sexual violence (assuming the staff member is not the perpetrator) may take up to 12 weeks of unpaid leave in accordance with the provisions of the Victims' Economic Security and Safety Act.

Leaves for Service in the Military and General Assembly

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

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-20.7, -21.1; 105 ILCS 5/24-6, -6.1, -6.3, -13, -13.1; P.A. 93-591

CONTRACT REF.: The Elgin Agreement

ADMINISTRATIVE STAFF VACATIONS AND HOLIDAYS

Administrators on twelve-month contracts will receive twenty days of vacation annually.

The scheduling of vacations is subject to existing regulations and the Superintendent/designee approval. The Superintendent/designee will have discretionary power to make changes in schedules to provide for necessary services during the summer months.

Holidays for the twelve-month administrative staff will include the legal holidays on which the District schools are closed and holidays for the entire District approved by the Board.

FAMILY and MEDICAL LEAVE ACT (FMLA) POLICY

In accordance with the Family and Medical Leave Act, the District will grant unpaid family and medical leave (or paid, when applicable) to eligible male or female employees for up to 12 weeks per 12-month period, from the end of the leave, for any one or more of the following reasons:

- A. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
- B. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition; or
- C. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.
- D. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operations. A "covered military member" must be either a member of a Reserve component or a retired member of the regular Armed Forces or Reserve. "Qualifying exigencies" exist in the following categories: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation, post-deployment activities, and additional activities as provided in the FMLA regulations.
- E. To care for the employee's spouse, child, parent, or next of kin who is a covered service member with a serious injury or illness. A "covered service member" is a member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

Other available paid vacation, personal, or family leave will be substituted for family and medical leave necessitated by birth, adoption/foster care placement, or a family member's serious health condition, subject to the provisions of any collective bargaining agreements. Other available paid vacation, personal, or sick leave will be substituted for family and medical leave necessitated by a family member's or employees own serious health condition, subject to the provisions of any applicable collective bargaining agreements. Any substitution required by this Policy will count against the employee's family and medical leave entitlement. The District will pay family leave or sick leave only under circumstances permitted by the applicable leave plan.

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 service member (defined herein) 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 service member begins.

Employees may take an intermittent or reduced-hour family and medical leave in accordance with FMLA regulations.

If an employee requests a leave under some other available District leave entitlement and such leave is for an FMLA — qualifying purpose, up to twelve (12) weeks of that leave shall be deducted from the employee's FMLA leave entitlement.

To be eligible for family and medical leave, an employee must either: (1) Have been employed by the District for at least 12 months (the 12 months need not be consecutive) and have been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave; or (2) Be a full-time classroom teacher.

If possible, employees must provide at least 30 days notice to the District of the date when a leave is to begin. If 30 days notice is not practicable, the notice must be given within 2 business days of when the need becomes known to the employee. Employees shall provide at least verbal notice sufficient to make the District aware that he or she needs a family and medical leave, and the anticipated timing and duration of the leave. Failure to give the required notice may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

LEGAL REF.: Family Medical Leave Act (FMLA), 1993
 29 USC 2601, et. seq.
 29 CFR Part 825

RELIGIOUS HOLIDAYS

Supervisors shall grant an employee's request for time off to observe a religious holiday if the employee gives at least 5 days prior notice and the absence does not cause an undue hardship.

Employees may use earned vacation time, or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee.

LEGAL REF.: Religious Freedom Restoration Act, 775, ILCS 35/5; 775 ILCS 5/2-101 and 5/2-102

STUDENT TEACHING AND INTERNSHIPS

The Board of Education recognizes the student teacher program as an important aspect of a future teacher's education. Therefore, the Board will cooperate with institutions of higher education with approved teacher training programs in training student teachers.

All persons involved in this program must recognize that the first and primary responsibility of the School District is to the students within its schools. If at any time a student teacher becomes unacceptable, the District reserves the right to refuse that student teacher further teaching experience within the District.

LEGAL REF.: 105 ILCS 5/10-22.34

SUPPORT STAFF POSITIONS

The Superintendent/designee is authorized to establish, maintain, and reconfigure support staff positions as established by Board policies and agreements.

The Superintendent/designee will provide for the maintenance of up-to-date job descriptions covering all support staff positions in the school district.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-23.5

SUPPORT STAFF ORIENTATION

The immediate supervisor will be responsible for the orientation of newly employed support staff to their assignments. Technical orientation will be conducted by the appropriate supportive supervisor or director, if applicable.

SUPERVISION OF SUPPORT STAFF

Building administrators will be responsible for the supervision of all support staff during the period of time they are assigned to the building. Support staff, when not assigned to a building, will be responsible to their immediate supervisor.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-21.4a

SUPPORT STAFF PROMOTIONS

The Board of Education will consider for promotion those from within the staffs of the various categories of support employees who are qualified and who aspire to fill vacancies in already established positions and/or any newly created positions, provided their qualifications (proven and potential ability, training, experience, and personal characteristics) are equal to those of other applicants. The Board reserves the right to employ any qualified applicants it deems appropriate to fill the vacant positions consistent with existing law.

SUPPORT STAFF CONTRACTS AND COMPENSATION PLANS

Under policy, the Board of Education negotiates agreements with:

1. SEIU Local 73, Food Services Employees, which establishes the salaries, benefits, and working conditions for food service personnel.
2. Illinois Education Association, which establishes the salaries, benefits, and working conditions for the secretaries, transportation personnel, assistants, custodians, maintenance, grounds personnel and educational teacher assistants.

The exception to the above are administrative, supervisory personnel, technicians, secretaries exempted from the union, and part-time personnel.

Master agreements with the unions are considered an appendix to this manual and have the force of Board policy.

Compensation plans for non-certificated administrative and supervisory personnel and other employees not covered by a negotiated agreement will be determined by the Board of Education.

An employee covered by the overtime provisions in the Fair Labor Standards Act works overtime whenever the employee works more than 40 hours during a single work week. Overtime will not be allowed without prior authorization from the employee's immediate supervisor.

LEGAL REF.: Fair Labor Standards Act, 29 USC §201 et seq.

CONTRACT REF.: District U-46 Educational Assistants
District U-46 Secretarial Association
District U-46 Transportation Union
Education Support Services Organization
SEIU Local 73, Food Services Employees

SUSPENSION AND DISMISSAL OF SUPPORT STAFF MEMBERS

Support staff employees may be suspended and discharged in accordance with the procedures and standards set forth in their applicable collective bargaining agreement. In addition, the Superintendent/designee will be authorized to immediately relieve from duties with or without pay any employee for incompetence, cruelty, negligence, immorality, illegality, insubordination, or other sufficient cause. Prior to any suspension with pay, the employee will meet with his/her supervisor to discuss the reasons for such action. The Board will not be required to take action on any suspension with pay or relief of duties with pay.

The Superintendent/designee may suspend any support staff employee without pay for cause. Such suspensions will be preceded by notice in writing of the charges and an opportunity to meet with the Superintendent/designee. The timelines for such notice will be in accordance with the applicable collective bargaining agreement.

Suspensions without pay in excess of ten work days, whether or not incidental to a recommendation for dismissal, will be reported to the Board of Education.

Nothing herein will prevent the dismissal of probationary employees during the probationary period in accordance with their applicable collective bargaining agreement.

Any school bus driver who abandons his/her school bus while it contains a child who is without other adult supervision will be dismissed immediately. A bus driver will be excused in case of an emergency as determined by the District.

All employee terminations will be in accordance with the applicable collective bargaining agreement. Should an employee be suspended or terminated for cause and such employee's position is not included in any collective bargaining agreement, that employee will be entitled to a pre-termination or pre-suspension meeting with the Superintendent/designee to discuss the reasons for the suspension or termination. Such meeting will be preceded by notice in writing together with the charges to be discussed and the disciplinary action recommended.

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.

LEGAL REF.: Illinois School Code, 10-21.4, 10-21.4A, 5 ILCS 430/5-60(b), The Wrongs to Children Act, 150/4.1

CONTRACT REF.: District U-46 Secretarial Association; District U-46 Transportation Union
Education Support Services Organization; SEIU Local 73; District U-46
Educational Assistants

REDUCTION IN SUPPORT STAFF WORK FORCE

Whenever, because of lack of funds, lack of work or in the interest of economy, it becomes necessary to reduce the number of support staff, the procedures set forth in State law and negotiated agreements will govern the rights of employees affected directly or indirectly by the reduction.

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

CONTRACT REF.: District U-46 Educational Assistants
District U-46 Secretarial Association
District U-46 Transportation Union
Education Support Services Organization (Maintenance and Custodial)
SEIU Local 73, Food Services Employees

RESIGNATION OF SUPPORT STAFF MEMBERS

The Board of Education requires that all support staff employees desiring to terminate their services to the District will submit written notice to their immediate supervisor at least two weeks prior to the date such termination is to become effective. A resignation notice cannot be revoked once given.

RETIREMENT OF SUPPORT STAFF MEMBERS

Any support staff employee may retire upon submitting written notification to the Superintendent/designee at least 30 days prior to the desired date of retirement.

The Superintendent/designee will provide for assistance for any retiring support staff employee in preparing for and acquiring the Illinois Municipal Retirement Fund and Social Security benefits accrued while employed in District U-46.

LEGAL REF.: Age Discrimination in Employment Act 29 USC § 621 et seq.

SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

Each employee of the Board of Education will be assigned to a specific position at the direction of the Superintendent/designee and may be transferred to any other position in accordance with provisions of the collective bargaining agreements. If no collective bargaining agreement governs, employees' assignments will be as the Superintendent/designee may direct.

In the determination of requests for transfer or reassignment, the convenience and wishes of the individual employee will be honored to the extent that they do not conflict with the best interests of the school district, or the collective bargaining agreements.

Transfers may be at the initiative of the Superintendent/designee for any purpose which, is for the welfare of students, the employee or the schools, in accordance with collective bargaining agreements.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-21.4, -21.4a; 105 ILCS 5/24-4

CONTRACT REF.: District U-46 Educational Assistants
District U-46 Secretarial Association
District U-46 Transportation Union
Education Support Services Organization (Maintenance and Custodial)
SEIU Local 73, Food Services Employees

SUPPORT STAFF TIME SCHEDULES

The assigned duty hours for all support staff will be established in accordance with District operational requirements and federal and/or state labor regulations.

EVALUATION OF SUPPORT STAFF

To help assure a continuing high quality of personal performance, as well as determining a clear and purposeful job relationship which is supportive of the instructional program of the District, an evaluation program for support staff will be maintained.

CONTRACT REF.: District U-46 Secretarial Association Agreement
 District U-46 Educational Assistants Agreement
 District U-46 Transportation Union Agreement
 Education Support Service Organization Agreement
 SEIU Local 73 Food Services Employees Agreement

EVALUATION OF SUPPORT STAFF
ASSISTANTS / PARAPROFESSIONALS

This section will encompass all assistants in U-46, such as teacher assistants, bilingual assistants, special education assistants, clerical assistants, and paraprofessionals.

The purpose of evaluations is to identify performance and to encourage professional growth during the year.

During the first two years of the assistant's employment, the principal/supervisor will complete the District's evaluation form twice annually (by November 15 and April 15) with input from the teacher(s) for whom the assistant is working. In subsequent years the completed forms will be completed annually (by April 15).

All completed forms will be read and signed by the principal/supervisor and employee, who may comment in writing if desired. In addition, the principal/supervisor will fill out the direct observation form once annually between January 15 and March 15. One copy of all evaluations will be given to the assistant and one copy will be sent to Human Resources and placed in his/her personnel file.

CONTRACT REF.: District U-46 Educational Assistants

EVALUATION OF SUPPORT STAFF
CUSTODIANS / MAINTENANCE / GROUNDS

The purpose of evaluation is to review custodians, maintenance and grounds personnel in their ability to perform the job assigned and to allow for professional growth.

The evaluation of personnel will be conducted annually by the employee's immediate supervisor with input by the building principal where applicable. The evaluation form will be signed by the immediate supervisor.

The employee will review and sign the evaluation and comment in writing if desired.

A copy of the evaluation will be retained by the employee, one copy will be forwarded to the Operations office and one copy will be placed in the employee's personnel file.

CONTRACT REF.: Education Support Services Organization Agreement

EVALUATION OF SUPPORT STAFF
FOOD SERVICE

The purpose of evaluation is to review the food service employee's ability to perform the job assigned and to allow for professional growth.

All food service employees will be evaluated by the food service manager assigned to their building who will sign the evaluation. Prior to discussing the evaluation with the employee, the building principal will have an opportunity for input into the evaluative process. The employee will review and sign the evaluation and comment in writing if desired.

Probationary employees will be evaluated every thirty days for the ninety day period.

Permanent food service employees will be evaluated twice a year and transferees will be evaluated during the first thirty days of their new assignment.

One copy of all evaluations will be retained by the employee, and one copy will be placed in the employee's personnel file.

CROSS REF.: SEIU Local 73 Food Services Employees Agreement

EVALUATION OF SUPPORT STAFF
SECRETARIES

Each supervisor/principal will complete and sign a written evaluation at least once annually on the secretaries reporting to him/her.

This evaluation will be completed on the form provided by Human Resources and summarized in a conference by the supervisor/principal with the secretary. Any weaknesses that are identified should also carry with them recommendations for improvement. The employee will review and sign the evaluation and comment in writing if desired.

A reasonable period of time should be allowed for remediation to take place before any further evaluation.

One copy of all evaluations will be retained by the employee, and one copy will be placed in the employee's personnel file.

CONTRACT REF.: District U-46 Secretarial Association Agreement

EVALUATION OF SUPPORT STAFF
TRANSPORTATION

The evaluation process for employees in the transportation department will be an ongoing appraisal.

Prior to the expiration of the 120-day probation period the director of transportation will prepare a written evaluation of the employees with a recommendation to retain or dismiss.

One copy of all evaluations will be retained by the employee, and a copy will be placed in the employee's personnel file.

CONTRACT REF.: District U-46 Transportation Union Agreement

EVALUATION OF ADMINISTRATORS

Each administrator's performance and effectiveness will be evaluated annually within the scope of that person's area of responsibility and in keeping with the key accountabilities of his/her position. Major areas of responsibility in which individuals may be appraised are established in their job descriptions. Principals will also be evaluated in alignment with Illinois PERA guidelines on their instructional leadership ability and their ability to maintain a positive education and learning climate. The results of administrative evaluations will be considered in the granting of administrative raises and continued employment with the District.

LEGAL REF.: 105 ILCS 5/10-21.4a

CROSS REF.: 5.327 – Administrative Staff Merit Pay

ADMINISTRATIVE SALARY INCREASES

The performance of administrators will be reflected in their salaries. Annually, administrators will be evaluated and their final determination of salary will be established by the superintendent. Performance ratings of individuals will affect the actual salary increase they receive.

CROSS REF.: 5.326 – Evaluation of Administrators

SUPPORT STAFF LEAVES AND ABSENCES

Support staff employees will be granted leaves in accordance with the terms of the agreements with recognized bargaining units and state and federal law.

Eligible educational support personnel (1) who are victims of domestic or sexual violence, or (2) who have a family or household member who is a victim of domestic or sexual violence (provided the staff member is not the perpetrator) may take up to 12 weeks of unpaid leave in accordance with the provisions of the Victims' Economic Security and Safety Act.

Leave benefits granted to employees who are not members of a recognized bargaining unit will be comparable to those granted employees in similar positions and in compliance with state and federal laws.

LEGAL REF.: Illinois School Code: 105 ILCS 5/24-6, 5/10-20.7

CONTRACT REF.: District U-46 Secretarial Association
District U-46 Transportation Union
Education Support Services Organization (Maintenance and Custodial)
SEIU Local 73, Food Services Employees
District U-46 Educational Assistants

SUPPORT STAFF VACATIONS, HOLIDAYS AND SICK DAYS

Support staff employees will be granted vacation, holidays and sick days in accordance with the terms of the agreements with recognized bargaining units and the Illinois School Code.

Vacation, holiday, and sick leave benefits granted to employees who are not members of a recognized bargaining unit will be comparable to those granted to employees in similar positions. Unless specified otherwise in a collective bargaining agreement or contract for employment, vacation and sick day hours shall be accrued as earned on a pro-rated basis.

LEGAL REF.: 105 ILCS 5/24-2, 5/24-6; 820 ILCS 115/4

CONTRACT REF.: District U-46 Educational Assistants
District U-46 Secretarial Association
District U-46 Transportation Union
Education Support Services Organization (Maintenance and Custodial)
SEIU Local 73, Food Services Employees

APPROPRIATE USE OF TECHNOLOGY

It is the policy of the School District to encourage technology use which facilitates communication and the exchange of ideas and information in pursuit of the District's curricular, instructional, technological, and research goals. The District also supports the use of technology as a tool for the efficient and effective management of the District's resources and affairs. The District's computing and networking resources are for the use of authorized district employees.

The terms "technology," "networks" or "computers" used in District Policy are generally synonymous and to include, but not be limited to, desktop computers, laptop computers, media tables, cellular and smart phones, telephones, handheld devices, pagers, servers, storage media, printers, scanners, websites, software and other District-owned or contracted-for communication equipment. Technology resources, like any other school property, are owned by and the property of the District or subject to the District's rights under contract and law. Technology must be used in the interests of the District and for the educational purposes for which it was intended. Users are required to follow the guidelines outlined in this Policy, administrative guideline and other related policies, guidelines and rules.

The District is not liable or responsible for: any information that may be lost, damaged, or unavailable due to technical or other difficulties; the accuracy or suitability of any information that is retrieved through technology; breaches of confidentiality; or defamatory material.

TERMS AND CONDITIONS OF USE

I. Curriculum & Instruction

The use of the District's technology shall (1) be consistent with the curriculum adopted by the District, as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library-media center materials. Staff members may, consistent with the District's goals and guidelines, use the Internet and technology resources throughout the curriculum.

Staff will provide developmentally appropriate guidance to students as they make use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum. All students will be informed by staff of their rights and responsibilities as users of the District network prior to gaining access to that network, either as an individual user or as a member of a class or group.

The District's electronic network is part of the curriculum and is not a public forum for general use.

II. Internet Safety

The use of technology resources is considered extensions of the classroom. Therefore, compliance with all District policies, guidelines, rules and acceptable standards of behavior are necessary and required. In accordance with the Children's Internet Protection Act, the District installs and operates filtering software to limit users' internet access to materials that are obscene, pornographic, harmful to children, or otherwise inappropriate, notwithstanding that

such software may in certain cases block access to other materials as well. At the same time, the District cannot guarantee that filtering software will in all instances successfully block access to materials deemed harmful, indecent, offensive, pornographic, or otherwise inappropriate. The use of filtering software does not negate or otherwise affect the obligations of users to abide by the terms of this policy and to refrain from accessing such materials.

III. Appropriate Use

The actions of users accessing networks through the District reflect on the School District; therefore, users must conduct themselves accordingly by exercising good judgment and complying with this policy and any accompanying administrative regulations and guidelines.

Personnel who use or access District technology shall:

- Use or access District technology primarily for educational and administrative purposes; limited and incidental personal use is permitted.
- Comply with copyright laws and software licensing agreements.
- Understand that email and network files are not private. Network administrators and other school officials as authorized by the Superintendent/designee have access to all email messages and may review all computer files and communications to maintain system integrity and monitor responsible use.
- Be responsible at all times for the proper use of their access privileges and avoid impersonations, anonymity, or unauthorized sharing of security measures.
- Maintain the integrity of technological resources from potentially damaging messages, physical abuse, or viruses.
- Respect the right of others to use equipment.
- Abide by the policies and procedures of networks and systems linked by technology.
- Acknowledge and protect the privacy of other users and the integrity of the system by avoiding misuse of passwords, files, equipment, and programs.
- Maintain the confidentiality of all personnel records and student records stored or accessible by means of District technology, in accordance with Illinois and federal law.

Personnel who use or access District technology shall not:

- Use District technology or resources for non-school purposes (other than incidental personal use), personal financial gain, or to disseminate electronic messages to multiple recipients at a time.
- Access, download, distribute, display or create harmful, indecent, offensive, pornographic, or otherwise inappropriate messages, pictures, or materials.
- Engage in harassing, offensive, obscene or defamatory speech.
- Harass or attack others.
- Loan technology to others, or violate copyright laws or software licensing agreements.
- Trespass in others' folders, work, or files, or gain unauthorized access to resources or entities.
- Use the account or password of another user.
- Misrepresent themselves or others.
- Transmit email or other electronic materials anonymously.
- Damage or vandalize computer equipment, systems, networks, hardware, software, data or programs.
- Spread computer viruses.
- Use technology for any illegal purpose or activity.

IV. No Expectation of Privacy

The District's electronic network is part of the curriculum and is not a public forum for general use. Users should not expect that email or files stored or transmitted on District servers will be private. All such transmissions and files are the property of the District, and the District reserves the right to log technology use, to monitor fileserver space utilization by users and to examine users' files and materials as needed, and at its discretion. There is no assurance of confidentiality with respect to access to transmissions and files by persons outside, or from persons inside, the District.

V. User Compliance

Users of District computer equipment, networks and technology must submit a signed Appropriate Use of Technology Agreement. Failure to comply with this policy, or any administrative regulations and guidelines governing the use of technology, may result in disciplinary action by the administration and/or the Board of Education, including but not limited to reprimand, loss of technology use privileges, suspension, notice to remedy, and dismissal.

Activities that violate local, state or federal law may be subject to prosecution.

The Superintendent/designee shall establish regulations, guidelines, and procedures and shall take appropriate action, consistent with the terms of any applicable collective bargaining agreement provisions, to implement this policy.

LEGAL REF.: Children's Internet Protection Act

EMPLOYEE EXPENSES

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

Employees must submit to the Superintendent/designee an itemized, signed voucher showing the amount of actual expenses, attaching receipts to the voucher if possible. Expense vouchers shall be presented to the School Board in its regular bill process.

LEGAL REF.: 105 ILCS 5/10-22.32

VOLUNTEERS

I. Introduction

Interested persons who volunteer their time and talents to the improvement and enrichment of the schools are valuable assets. The Board of Education encourages constructive participation of groups and individuals in local schools to perform appropriate tasks during school hours under the direction and supervision of professional personnel. Whenever possible community volunteers will be recruited from the neighborhood served by the school. Nothing in this section shall be construed to limit or reduce the work responsibilities of any District employee.

Recruitment, utilization, coordination and training of volunteers is the responsibility of District administration and will be carried out as directed or delegated by the Superintendent/designee. Every effort should be made to utilize volunteer resources in a manner that will ensure maximum contribution to the welfare and educational growth of students.

II. Applicability

The requirements of this policy shall apply to individuals who wish to volunteer in U-46 Schools or with U-46 programs in roles that have sustained direct contact with students without the direction and supervision of a certified school administrator or teacher, including overnight chaperones, and chaperones for full-day field trips. A volunteer is an individual who receives no payment for services.

III. School Volunteers – Enrollment Procedures

Prospective school volunteers must complete all volunteer application forms including a volunteer enrollment form, a background investigation authorization and release form and a volunteer release form. Misrepresentation on any of these forms may result in immediate disqualification of a volunteer applicant.

Volunteer applications are available at the U-46 Educational Services Center, located at 355 E. Chicago Street, Elgin IL 60120, in the Office of Human Resources on the first floor. Volunteers who provide continual volunteer service at a school shall submit updated volunteer application forms in accordance with the schedule and dates specified by the Superintendent/designee. School volunteers are expected to abide by all applicable laws, District policies and administrative procedures when performing their responsibilities. Applicable U-46 Policies can be found at www.U-46.org.

IV. Criminal Background Investigation

In order to protect the safety and security of children and school staff, volunteer applicants must submit to a one time only criminal background check using fingerprints.

If the individual is seeking to volunteer at a school, the Principal requesting the volunteer background check shall certify that the volunteer has shown proof of identity.

An individual who has been convicted of any of the criminal offenses enumerated in 105 ILCS 5/10-21.9; 5/21B-80; and 55 ILCS 5/3-9005 of the Illinois School Code, as amended, shall be ineligible to be a volunteer with U-46. An individual who refuses to submit to the background investigation shall be ineligible to be a volunteer with U-46. After the initial criminal background check, volunteers must immediately report any subsequent criminal convictions to the Superintendent/designee.

School District U-46 is responsible for the direct costs associated with obtaining the criminal history information required under this policy.

V. District Responsibilities Regarding the Volunteer Process

A prospective volunteer must complete all volunteer forms, undergo a criminal background check and complete an interview with the party who will be supervising the volunteer's work in order to be considered for approval.

The prospective supervisor is responsible for reviewing applications from eligible volunteer candidates in accordance with the guidelines issued by the Office of Human Resources. The approval decision with regard to eligible applicants with non-Enumerated Offense records shall be made by the Superintendent/designee with input from the prospective supervisor. The Superintendent/designee's decision regarding volunteer approval is final.

VI. Guidelines

The Superintendent/designee shall issue guidelines to implement the requirements of this policy including forms, timelines and protocols for reviewing volunteer applicants.

LEGAL REF.: 105 ILCS 5/10-21.9; 5/21B-80; 5/10-22.34; 5/10-22.34a; and 5/10-22.34b; 730 ILCS 15/2-101 et seq.; and 55 ILCS 5/3-9005

CROSS REF.: 8.095 – COMMUNITY INVOLVEMENT IN DECISION MAKING