

**ANNUAL READOPTION OF BOARD RULES AND AMENDMENT, MODIFICATION OR REPEALER
OF CERTAIN BOARD RULES IN ACCORDANCE WITH BOARD RULE 2-19**

THE GENERAL COUNSEL RECOMMENDS:

That the Board, in accordance with Board Rule 2-19, readopts its Board Rules, as amended effective June 28, 2006, with the following described amendments, modifications, repealers or suspensions thereto, which are more fully set forth in the attachment to this Board Report.

<u>Board Rule</u>	<u>Title</u>	<u>Action</u>
4-1(a)(9)	<i>Delegation to Chief Executive Officer or His/Her Designee</i>	Amend by delegating authority to grant excused days off.
4-1(a)(11)	<i>Delegation to Chief Executive Officer or His/Her Designee</i>	Amend by delegating authority to grant sabbatical leaves, on-loan leaves, union leaves and pension office leaves to the Chief Executive Officer.
4-1(c)	<i>Personnel Authority Reserved for Board Action</i>	Modify by deleting Board's reservation of authority to grant sabbatical leaves, on-loan leaves, union leaves and pension office leaves.
4-3(a)(1)a	<i>Tenured Teachers</i>	Amend by adding section which defines the circumstances in which a tenured teacher loses his/her tenure rights.
4-3(b)(3)	<i>Acting Principals</i>	Modify by aligning rule with Policy on Appointment and Assignment of Teachers and Principals and clarify that acting principals have authority to dismiss personnel with the approval of the Chief Executive Officer.
4-3(f)	<i>Miscellaneous Personnel</i>	Amend by adding to definition that miscellaneous employees are "short term" employees. Amendment aligns definition with certain statutes and Board Residency Policy.
4-4(c)	<i>Felony</i> <i>Convictions After Employment</i>	Amend by to align with Drug Free Workplace Act.
4-4(h)	<i>Drug and Alcohol Free Workplace</i>	Amend by referring to Drug and Alcohol Free Workplace Policy.
4-4(j)	<i>Authorization to Work in the United States</i>	Amend by substituting "employees" in place of "candidates for employment."
4-7(c)	<i>Suspension Pending Investigation and/or Discharge or Dismissal Hearing</i>	Modify to make subject/verb agree.
4-8(d)(2) and (3)	<i>Miscellaneous Employees</i>	Modify for case consistency and consistency with Board Rule 4-3(f).

<u>Board Rule</u>	<u>Title</u>	<u>Action</u>
4-11	<i>Employee Benefit Days <u>and Paid Excused Days</u></i>	Amend by adding provision that Chief Executive Officer or General Counsel may authorize paid excused days.
4-12 (c)	<i>Coordination with Other Laws, Regulations and Policies</i>	Amend to align with the Family and Medical Leave Act and implementing regulations with respect to circumstances in which FMLA leave period is made retroactive.
4-12(d)	<i>Coordination of Leaves</i>	Amend to align with the Family and Medical Leave Act and implementing regulations with respect to circumstances in which FMLA leave period is made retroactive.
4-12(g)	<i>Medical Certification for Leave</i>	Modify structure for clarity. Section is now divided into subsections.
4-14 (preamble)	<i>Other Leaves with Pay</i>	Amend to delegate authority to grant other leaves with pay to the Chief Executive Officer or designee.
4-14(b)	<i>Bereavement Leave</i>	Modify language to active voice.
4-14(c)	<i>Jury Duty Leave</i>	Modify language to active voice.
4-14(d)	<i>Court Attendance Leave</i>	Modify language to active voice.
4-14 (e)	<i>Conference Leave</i>	Modify language to active voice.
4-14(g)	Appointed <i>Tenured Teacher, Contract Principal or <u>Quota</u> Assistant Principal's On-Loan Leaves of Absence</i>	Amend to delegate authority to grant on-loan leaves to the Chief Executive Officer. Amend to add on-loan leave to Central or Area Offices. Modify to active voice.
4-15 (preamble)	<i>Other Leaves Without Pay</i>	Amend to delegate authority to grant other leaves without pay to the Chief Executive Officer.
4-15(b)	<i>Tenured Teachers' Leave for Travel or Study</i>	Amend to delegate authority to grant leave to the Chief Executive Officer.
4-15(d)	<i>Tenured Teachers' and Certificated Administrators' Personal Leave of Absence</i>	Amend to delegate authority to grant leave to the Chief Executive Officer.

<u>Board Rule</u>	<u>Title</u>	<u>Action</u>
4-15(e)(1)	<i>Tenured Teachers' and Educational Support Personnels' Union Leaves</i>	Amend to delegate authority to grant leave to the Chief Executive Officer. Increase number of employees who may take leaves from 30 to 35.
4-15(e)(2)	<i>Tenured Teachers and Educational Support Personnel Union Leaves</i>	Amend to provide for Union leaves authorized by Board-approved collective bargaining agreements.
4-15(f)	<i>Tenured Teachers' Pension Office Employment Leave</i>	Amend to delegate authority to grant leave to the Chief Executive Officer.
4-15(g)	<i>Principals' Summer Leave of Absence</i>	Amend to delegate authority to grant leave to the Chief Executive Officer.


Handwritten initials and date: 17-18-06

Respectfully Submitted:



Patrick J. Rocks
General Counsel

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

- a. *Delegation to Chief Executive Officer or His/Her Designee.* Subject to the limitations set forth in the Illinois School Code, these Rules and the Board's Policies, and except as provided in Rule 4-1c below, the Chief Executive Officer and his/her designee(s) are hereby delegated the following authority with respect to Board personnel, which may be exercised without Board action:
1. to hire, appoint, or promote employees (other than management level personnel, including officers, the General Counsel, heads of departments, directors and contract principals) for merit upon recommendation of the Chief Executive Officer, officers, the General Counsel, heads of departments, directors or contract principals, and to establish eligibility criteria for those actions;
 2. to classify and reclassify employees;
 3. to establish a schedule of basic salaries and wage rates, and to set compensation, wages and/or salary based on employee classifications or job titles or other criteria;
 4. to establish policies with respect to overtime pay;
 5. to grant annual increases to wages and salary based on merit or cost of living;
 6. to establish employee benefit plans, including employee medical, dental and life insurance plans, and tax-deferred savings plans, and the eligibility criteria for participation in those plans;
 7. to establish work schedules for all employees, including hours of work and days of work;
 8. to establish evaluation procedures for all employees, including teachers and principals;
 9. to grant paid time off for excused days, holidays, sick leave, personal leaves or vacation;
 10. to grant voluntary leaves of absence to employees and to order involuntary leaves of absence for employees;
 11. to grant the following paid and unpaid leaves of absence to eligible employees in accordance with collective bargaining agreements, Board Rules and Policies:
 - i. sabbatical leaves of absence;
 - ii. on-loan leaves of absence;
 - iii. union leaves of absence; and
 - iv. pension office employment leaves of absence;
 - ~~11.~~ 12. to commence disciplinary or dismissal proceedings against employees;
 - ~~12.~~ 13. to demote, transfer, discipline or dismiss employees;
 - ~~13.~~ 14. to layoff employees, reduce the Board's workforce, or declare unpaid furlough days for employees;
 - ~~14.~~ 15. to accept resignations and retirements from employees; and,

- ~~15.~~ 16. to exercise all other authority over personnel that is not specifically reserved for Board action.
- b. *Chief Executive Officer's Quarterly Report of Personnel Transactions to the Board.* The Chief Executive Officer or his/her designee(s) shall submit a quarterly report (which shall be made public) to the Board that summarizes the previous quarter's personnel actions made by the Chief Executive Officer or his/her designee in accordance with Rule 4-1a, provided however, that the reason or cause for any employee dismissal shall not be made public.
- c. *Personnel Authority Reserved for Board Action.* The Board shall exercise all authority over the following personnel matters, which authority is non-delegable under the Illinois School Code or which the Board has reserved to itself:
1. to appoint management level personnel, including the Chief Executive Officer, other officers, the General Counsel, heads of departments, directors and contract principals;
 2. to establish salaries upon hire for officers, the General Counsel, heads or chiefs of departments, and directors;
 3. to grant salary increases to employees in excess of ten (10%) percent, including those caused by promotion or position reclassification, occurring after approval of position salaries in the annual budget, unless the lowest salary for the approved title in the schedule of basic salaries provides for an increase of greater than ten (10%) percent;
 4. ~~to grant the following paid and unpaid leaves of absence to eligible employees in accordance with Board Rules and Policies:~~
 - i. ~~sabbatical leaves of absence;~~
 - ii. ~~on-loan leaves of absence;~~
 - iii. ~~union leaves of absence; and~~
 - iv. ~~pension office employment leaves of absence;~~
 5. 4. to dismiss management level personnel, including the Chief Executive Officer, officers, the General Counsel, heads of departments, and directors, in the exercise of the Board's discretion;
 6. 5. to dismiss probationary appointed teachers in accordance with the Illinois School Code;
 7. 6. to dismiss contract principals and tenured teachers for cause after adoption, modification or rejection of an Illinois State Board of Education hearing officer's recommendation;
 8. 7. to terminate the contract of and to dismiss a contract principal upon recommendation of the Chief Executive Officer, after notice and a hearing, in accordance with the Section 5/34-8.3(d) of the Illinois School Code or, upon consent of the contract principal and the applicable local school council;
 9. 8. to, upon recommendation of the Chief Executive Officer or his/her designee, dismiss for cause non-probationary assistant principals and educational support personnel whose employment is governed by collective bargaining agreements.

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

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

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

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

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

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

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

1. when the former tenured teacher is reappointed to a teacher position within one (1) calendar year from the effective date of his/her resignation;
2. when the former tenured teacher lost tenure by accepting a position as an educational support personnel, a certificated administrator, an assistant principal or an interim or contract principal and he/she is reappointed to a teacher position without a break in service to the Board of Education; and,
3. when the former tenured teacher is reappointed to a teacher position within two (2) calendar years of his/her honorable dismissal.

Nothing in this Section shall be construed to guarantee reappointment to a teacher position or to alter the status of employees, including formerly tenured teachers, employed as an educational support personnel employee, a certificated administrator, an assistant principal or an interim or contract principal.

- b. *Probationary Appointed Teachers.* Probationary appointed teachers are either: (1) newly appointed teachers who have not completed the statutory probationary period of continuous service necessary to attain tenure; or, (2) formerly tenured teachers who have had a break in service, been reappointed and have not completed the statutory probationary period of continuous service necessary to attain tenure since their reappointment. Probationary appointed teachers are appointed on an annual basis and their continued employment is conditioned on the Chief Executive Officer's recommendation to reappoint them each year in accordance with Board Rules. Probationary appointed teachers may be dismissed from Board employment, or may be laid off or not reappointed in accordance with the Illinois School Code and Board Rules and Policies. Probationary appointed teachers become tenured teachers after serving the statutory period of continuous service necessary to attain tenure, effective on the anniversary date of their appointment plus any adjustments to their anniversary date as provided in these Rules or in Board policies.
2. *Temporarily Assigned Teachers.* Temporarily assigned teachers are certified teachers who are not appointed to a full-time, permanent position, but are employed on a temporary, provisional or conditional basis, as follows:
 - a. Regularly certified teachers assigned to fill a full-time teaching position, which is encumbered by an appointed teacher, but which has become temporarily vacant as a result of a leave taken by the appointed teacher; or
 - b. Teachers with provisional or conditional teaching certificates who are assigned to fill a full-time, vacant teaching position pending receipt of full teaching certification.
 3. *Substitute Teachers.* Substitute teachers are teachers who are not appointed but are, at a minimum, certified by the Illinois State Board of Education to substitute teach and serve on a temporary basis, as follows:
 - a. *Day-to-Day Substitute Teachers.* Day-to-day substitute teachers are employed on a day-to-day basis to fill temporary, day-to-day vacancies, as needed, with no guarantee of daily assignments. Day-to-day substitute teachers may not be assigned to fill the same position on a day-to-day basis for more than twenty (20) consecutive student attendance days. Day-to-day substitutes may be classified as regular day-to-day substitutes or provisional day-to-day substitutes, based upon their type of certification.
 - b. *CADRE Substitute Teachers.* CADRE substitute teachers are employed on a full-time and year-to-year basis. They are entitled to receive daily assignments for each student attendance day throughout a school year in which they are employed. CADRE substitutes may only be assigned to fill the same position for up to twenty (20) consecutive student attendance days. The employment of a CADRE substitute teacher terminates at the end of each school year and must be renewed by assignment annually, except that the employment of a CADRE substitute teacher who: 1) is a displaced temporarily assigned teacher due to a position closing; and 2) has been a CADRE substitute teacher for less than twelve (12) continuous months since his/her displacement as a temporarily assigned teacher, ~~his/her employment as a CADRE substitute teacher~~ will terminate at the end of the school year following twelve (12) continuous calendar months from his/her assignment as a CADRE substitute teacher.

4. *Half-Time Teachers.* Half-time teachers are regularly certified to teach by the Illinois State Board of Education, and are employed on a half-time basis.
 5. *Retired Teachers.* Retired teachers are former teachers of the Chicago Public Schools who are receiving an annuity from the Public School Teachers' Pension and Retirement Fund, and who: a) are re-employed on a temporary and non-annual basis in critical needs areas, as defined by the Board's residency policy and consistent with 40 ILCS 5/17-149; or b) are re-employed to teach in subject shortage areas in accordance with 40 ILCS 5/16-150.1.
- b. *Principals.* Principals are full-time employees with administrative certificates issued by the Illinois State Board of Education who are hired to act as the instructional and administrative leader of one or more student attendance centers. Principals are classified as follows:
1. *Contract Principals.* A contract principal is appointed from an eligibility list maintained by the Board. A contract principal shall be hired under a contract with a duration of four (4) years, which shall be terminable for various causes, including removal of the contract principal under section 5/34-8.3 of the Illinois School Code. A contract principal has the powers and authority of a principal provided in the Illinois School Code. A contract principal may be removed and replaced and/or dismissed from employment and his/her contract terminated, as provided by the principal's contract and/or Board Rules and policies, and the Illinois School Code, and in accordance with the procedures set forth in the Board's Employee Discipline and Due Process Policy and the Illinois School Code.
 2. *Interim Principals.* An interim principal is a temporary principal whom the Chief Executive Officer or his/her designee may assign, from an eligibility list maintained by the Board, to a student attendance center for either up to one (1) year or until a student attendance center's Local School Council selects a contract principal, whichever comes first, or, in the case of a student attendance center on probation, for an indeterminate period until the student attendance center satisfies the conditions for selection of a contract principal in accordance with the Board's policy on probationary schools. An interim principal may exercise all of the powers and authority of a contract principal. The Chief Executive Officer or his/her designee may remove an interim principal at his/her discretion.
 3. *Acting Principals.* An acting principal is a temporary principal who does not have a contract and is assigned to a student attendance center by the Chief Executive Officer or his/her designee for a period of up to one hundred (100) school days to fill a temporary vacancy in a student attendance center's principalship. Where a tenured teacher is made acting principal, the tenured teacher shall be returned to his/her former position upon removal from the acting principalship. An acting principal has no authority to dismiss personnel at the attendance center; may not dismiss or seek the dismissal of an assistant principal, teacher or any educational support personnel employee assigned to the school to which they are appointed without the prior approval of the Chief Executive Officer or his/her designee. The Chief Executive Officer or his/her designee may remove an acting principal at his/her discretion.
- c. *Assistant Principals.* Assistant principals are full-time employees with administrative certificates issued by the Illinois State Board of Education who are recommended for hire by a contract principal, interim principal or, where there is no contract or interim principal, assigned by the Chief Executive Officer or his/her designee, to assist contract, interim or acting principals in the performance of their duties as the instructional and administrative leader of a student attendance center. Assistant principals may be assigned direct instructional responsibilities. Assistant Principals are further categorized as follows:
1. *Quota Assistant Principals.* Quota assistant principals are 210-funded assistant principals who are recommended for hire by a contract or interim principal and whose term of assignment as a quota assistant principal ends at the expiration of the contract principal's contract, the retirement of the contract principal, the removal or dismissal of the contract

principal, or the termination of the interim principal's assignment to the student attendance center. Quota assistant principals whose term of assignment ends under this Rule shall be displaced in accordance with the Board's Assignment and Appointment of Teachers and Principals Policy.

2. *Discretionary Assistant Principals.* Discretionary assistant principals are 234-funded assistant principals who are recommended for hire by a principal and who serve on a year-to-year basis. Discretionary assistant principals may be displaced in accordance with the Board's Assignment and Appointment of Teachers and Principals Policy.
- d. *Certificated Administrators.* Certificated administrators are full-time employees who hold administrative certificates issued by the Illinois State Board of Education, other than principals and assistant principals, who are assigned to administrative positions without direct instructional duties. Certificated administrators are "members of the teaching force" for purposes of the Illinois Pension Code. Certificated administrators are employed at-will.
 - e. *Educational Support Personnel.* Educational support personnel are full- or part-time employees who are not required to have teaching or administrative certificates issued by the Illinois State Board of Education to perform the duties of their position. Educational support personnel are employed at-will, unless the Board has entered into a specific agreement granting a particular class of educational support personnel a property interest in their employment by the Board.
 - f. *Miscellaneous Personnel.* Miscellaneous personnel are employed at will on a seasonal, casual, short-term and/or temporary basis and:
 1. are employed for less than seven hundred (700) hours in any calendar year, if paid on an hourly basis;
 2. are employed for four (4) months or less, if paid on monthly basis;
 3. are employed for one hundred (100) days or less, if paid on daily basis; or
 4. are employed by another unit of local government and, in connection with that employment, are participating in a municipal pension fund; or,
 5. are receiving a pension or annuity, other than widow's or child's annuity, from any municipal pension fund.

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

- a. *Residency.* All employees must comply with the Board's Residency Policy. Employees hired by the Board shall be advised in writing of the Residency Policy's requirements, including application procedures for waivers of the policy for teachers in special needs positions. Employees' continued employment shall be subject to compliance with the policy. Employees who violate the Residency Policy shall be subject to discipline or dismissal in accordance with the Residency Policy and the Board's Employee Discipline and Due Process Policy.
- b. *Criminal Background Investigations.* As a condition of hire, all employees must authorize the Board to conduct criminal history verification in accordance with the provisions of the Illinois School Code. The Chief Executive Officer or his/her designee shall establish procedures and guidelines for compliance with the provisions of the Illinois School Code. Any employee whose criminal background excludes him/her from Board employment under the Illinois School Code

shall be dismissed under the provisions of the Board's Employee Discipline and Due Process Policy. Regardless of whether or not an applicant or employee's criminal history excludes him/her from employment under the Illinois School Code, the Chief Executive Officer or his/her designee shall consider the applicant's criminal conviction history, and whether or not the applicant or employee has made a full disclosure of that history, in determining whether to hire an applicant or whether to dismiss an employee.

- c. *Felony Convictions After Employment.* Any employee who is convicted of a felony or any crime involving the consumption, possession, sale, distribution or manufacture of any controlled substance, as defined in 21 U.S.C. §812, 720 ILCS 570/102 (1992) or under the Cannabis Control Act, 720 ILCS 550/1 et seq., or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages must notify the Chief Executive Officer ~~or his/her designee~~, by letter via certified mail, of the date, factual basis and nature of the conviction, as well as the name and location of the court in which the conviction occurred. Failure to report any ~~felony~~ conviction, as required by this Rule, in writing within ~~ten (10)~~ five (5) days of the conviction shall constitute cause for dismissal from employment. Compliance with this Rule shall not exempt the employee from discipline or dismissal because of the conviction. Additional requirements and procedures may be set forth in the Board's Drug and Alcohol Free Workplace Policy.
- d. *Certification/Licenses.* No applicant for employment or promotion to a position that requires certification and/or licensure under the Illinois School Code, or any other law or Board policy, may be hired until he or she has presented proof of proper certification or licensing by the appropriate authority. If an employee's certificate or license lapses, or is invalid, suspended or revoked, the employee shall be subject to discipline or dismissal in accordance with the Board's Employee Discipline and Due Process Policy.
- e. *Health Examinations.* All applicants for employment and employees may be required, as a condition of hire or continued employment, to submit to a post-offer or post-employment health examination by an appropriate healthcare professional to demonstrate that they can perform the essential functions of their position and are fit for duty.
- f. *Ethics Policy.* All employees and applicants for employment shall comply with the Board's Ethics Policy. Employees who violate the Board's Ethics Policy shall be subject to discipline and dismissal under the Board's Employee Discipline and Due Process Policy.
- g. *Failure to Pay Municipal Debts.* The Chief Executive Officer or his/her designee may require that applicants for employment verify that they have paid all debts due and owing to the City of Chicago as a condition of employment. The failure by any Board employee to pay a debt due and owing to the City of Chicago shall be cause for discipline or dismissal. For purposes of this Rule, "a debt due and owing" means a specified sum of money owed to the City for city services, work or goods after the period granted for payment has expired and/or a specified sum of money owed to the City pursuant to a court or administrative order after the exhaustion of or failure to exhaust judicial review. Upon request of the City Comptroller, the Board may withhold wages to pay municipal debts in accordance with the provisions of the Illinois School Code.
- h. *Drug and Alcohol Free Workplace.* Board workplaces shall be drug and alcohol free. Accordingly, employees shall not unlawfully manufacture, distribute, possess, consume, use, or be under the influence of drugs or alcohol on Board property or premises or at any site of Board-sponsored activities. For purposes of this Rule, the term "drugs" means any controlled substance, as defined in 21 U.S.C. §812 and 720 ILCS 570/102 (1992), or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages. The Board and/or the Chief Executive Officer or his/her designee shall establish policies and procedures to comply with federal and state Drug Free Workplace Acts and Drug Free Schools and Communities Acts. Additional requirements may be set forth in the Board Drug and Alcohol Free Workplace Policy. The Board and/or the Chief Executive Officer or his/her

designee may establish additional policies and procedures for drug and alcohol testing for applicants prior to their hire, or for employees, post-hire. Such policies and procedures shall be consistent with applicable law. Applicants for employment, who violate this Rule, or Board policies and procedures, shall be excluded from consideration for employment. Employees who violate this Rule shall be dismissed from employment.

- i. *Violence Free Workplace and Learning Environment.* It is the Board's policy that its facilities and workplaces shall be free of violence. Accordingly, employees shall not engage in any acts of violence at the workplace, or engage in any acts of violence outside of Board workplaces that have a nexus to their Board employment. For purposes of this Rule, acts of violence include use of physical force, when it is not reasonably necessary to protect persons or property from imminent harm, and acts of intimidation including, but not limited to, threats of physical force.
- j. *Authorization to Work in the United States.* ~~All candidates for employment~~ All employees must be legally present in the United States and possess legal authorization for employment in the United States.
- k. *Compliance with Laws and Board Policies and Rules Prohibiting Discrimination.* All employees must comply with laws and Board policies and rules prohibiting discrimination, including laws and policies prohibiting sexual harassment.
- l. *Statement Concerning Employment in a Job Not Covered by Social Security.* All employees who are employed in positions that are not covered by Social Security shall receive a "Statement Concerning Your Employment in a Job Not covered by Social Security" at the time of their hire.
- m. *Other Pre-Employment and Employment Requirements.* The Board or the Chief Executive Officer or the Chief Executive Officer's designee may establish other hiring and employment criteria and eligibility requirements that are consistent with the position occupied or applied for, the Board's Rules and policies, public policy and local, state and federal law.

4-7. Discipline and Dismissal of Employees.

- c. *Suspension Pending Investigation and/or a Discharge or Dismissal Hearing.* Where the Chief Executive Officer or his/her designee, or the General Counsel, deems it to be in the best interests of the Board, the Chief Executive Officer or his/her designee may remove an employee from active employment with pay, or may suspend an employee without pay pending an investigation and/or dismissal hearing in accordance with applicable provisions of the Employee Discipline and Due Process Policy, as it exists at the time of adoption of this Rule, or as it may hereafter be amended.

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

a. Teachers.

- 1. *Full-Time Teachers.* Full-time teachers shall be assigned to work a minimum of seven (7) hours per day, including lunch, break times and preparation times, five (5) days per week, for a minimum of 38.6 weeks per year, inclusive of vacations periods.
- 2. *Half-Time Teachers.* Half-time teachers shall be assigned to work no more than one-half (½) of a full-time teacher's schedule.

- b. *Non-Exempt Educational Support Personnel.* Educational support personnel may be employed on either a full-time or part-time basis. Full-time educational support personnel, who are classified as non-exempt under the United States Fair Labor Standards Act and the Illinois Minimum Wage Law, shall work a minimum of seven (7) hours and forty-five (45) minutes per day (7.75 hours), including a lunch and break times, five (5) days per week, and 38.6 weeks per year. Part-time, non-exempt educational support personnel shall be assigned to work fewer than seven (7) hours and forty-five (45) minutes a day (7.75 hours), and/or fewer than five (5) days per week, and/or fewer than fifty-two (52) weeks per year.
- c. *Other Exempt Employees.* Employees who are classified as exempt under the United States Fair Labor Standards Act are subject to principles of public accountability, as defined by the United States Fair Labor Standards Act. Exempt employees are required to work as necessary to fulfill all of their duties and responsibilities, and full-time, exempt employees are required, at a minimum, to be performing their duties during the normal hours of operation of their assigned student attendance center or department.
- d. *Miscellaneous Employees.* Miscellaneous employees may be employed on either a full-time or part-time basis, provided that, with the exception of miscellaneous employees who are currently participating in the ~~Municipal Employees Retirement and Annuity Fund for another public sector employer~~ any other public pension fund:
 - 1. miscellaneous employees paid on an hourly basis shall not be assigned to work more than seven hundred (700) hours in any calendar year;
 - 2. ~~M~~miscellaneous employees paid on a monthly basis shall not be employed for more than four (4) calendar months in any calendar year; and
 - 3. ~~M~~miscellaneous employees paid on a daily basis shall not be employed for more than one hundred (100) days in any calendar year.

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

Sec. 4-12. Family and Medical Leaves of Absence – FMLA Leaves and Supplementary Family and Medical Leaves.

- a. *Applicability of Rule.* This Rule applies to all Board employees.
- b. *Types of Family and Medical Leaves Authorized by this Rule.* The Board shall establish policies for Family and Medical Leave Act leaves and for supplementary family and medical leaves, including, child-rearing leaves, personal illness leaves, and family illness leaves. Said policies shall establish eligibility criteria for leaves, leave duration, any employee rights to return to a position at termination of leave, and rights to pay during leave.
- c. *Coordination with Other Laws, Regulations and Policies.* All leaves granted under this Rule to employees eligible for FMLA leaves shall be designated as FMLA leaves for the first twelve (12) workweeks of the leave during any twelve (12) month period. The Chief Executive Officer or his/her designee shall make FMLA leaves retroactive to the first day of an employees' continuous absence prior to the employee's request for the FMLA leave except where the employee has previously provided the Chief Executive Officer or his/her designee with the information sufficient for the Chief Executive Officer to make a determination that the leave qualifies as an FMLA leave and the Chief Executive Officer has failed to designate the leave as FMLA, in which case the FMLA leave shall commence on the date the employee submits an application for FMLA leave to

the Chief Executive Officer or his/her designee. FMLA leaves shall be concurrent with any other leave authorized by this Rule.

- d. *Coordination of Leaves.* All leaves the Chief Executive Officer or his/her designee grant under this Rule to employees eligible for FMLA leaves shall be designated as FMLA leaves for the first twelve (12) workweeks of the leave during any twelve (12) month period. The Chief Executive Officer or his/her designee shall make FMLA leaves retroactive to the first day of an employees' continuous absence prior to the employee's request for the FMLA leave except where the employee has previously provided the Chief Executive Officer or his/her designee with the information sufficient for the Chief Executive Officer to make a determination that the leave qualifies as an FMLA leave and the Chief Executive Officer has failed to designate the leave as FMLA, in which case the FMLA leave shall commence on the date the employee submits an application for FMLA leave to the Chief Executive Officer or his/her designee. FMLA leaves shall be concurrent with any other leave authorized by this Rule.
- e. *Effect of Leave on Probationary Periods.* Any probationary appointed teacher granted a leave of thirty (30) or more consecutive calendar days, including a FMLA leave, shall have his/her probationary period extended by the duration of the leave granted under this Rule. This Rule shall not apply to intermittent leaves.
- f. *Leave Required.* Any employee subject to this Rule shall be required to seek a leave if the employee is absent from work or anticipates that he/she will be absent from work for more than ten (10) consecutive workdays, or if the employee anticipates the need for an on-going, intermittent leave. The Chief Executive Officer or his/her designee may seek to discipline or dismiss an employee who fails to apply for a leave under this Rule in accordance with the Board's Employee Discipline and Due Process Policy.
- g. *Medical Certification for Leave.* All requests for leave or, where available, requests for leave extensions, must be supported by a certification from an appropriately licensed health-care provider. In accordance with applicable law, the Chief Executive Officer or his/her designee may require that an employee seeking a leave or on a leave to submit to periodic evaluation by an appropriately licensed health-care provider regarding the necessity of a leave or continued necessity of a leave.
1. In cases of a dispute regarding the necessity of a leave, the Chief Executive Officer or his/her designee shall direct an employee to submit to an evaluation by an appropriately licensed healthcare provider and request the health-care provider's opinion regarding the necessity of a leave.
 2. ~~In cases w~~Where appropriately licensed health-care providers issue conflicting opinions or certifications of regarding the necessity, ~~or lack thereof,~~ for a leave, the Chief Executive Officer or his/her designee shall direct the employee to submit to an evaluation of a third appropriately licensed health-care provider, whose opinion and certification regarding the necessity, ~~or lack thereof,~~ for a leave will be controlling.
 - a) The employee or his/her healthcare provider shall select the third health-care provider from a list maintained by the Chief Executive Officer or his/her designee.
 - b) The cost of the evaluation and opinion by the third health-care provider shall be borne by the Board.
 3. An employee's failure or refusal to submit to any evaluation directed by the Chief Executive Officer or to cooperate in the evaluation or the health-care provider's selection shall be grounds for discipline or dismissal from employment.

- ~~4.~~ ~~In cases w~~Where the health-care provider's opinion is that the employee should be on a leave, the health-care provider shall establish a date for re-evaluation to determine the continued necessity of the leave.
- h. *Maintenance of Insurance Benefits During Leaves.* An employee granted a leave under this Rule shall maintain all insurance benefits during his/her leave provided that the employee pays the employee's premium contribution for the insurance.
- i. *Prohibition Against Secondary Employment During Certain Leaves of Absence.* Employees who are granted a leave of absence for their own serious medical condition or their own personal illness under this Rule shall not work secondary employment during the period of the leave, including any leave extension.

Sec. 4-14. Other Leaves with Pay. Except as otherwise provided in this Rule, ~~the Board, upon recommendation of the~~ Chief Executive Officer, or his/her designee, may grant leaves with pay to eligible employees, as set forth in this Rule. The Chief Executive Officer or his/her designee shall establish the procedures for apply for paid leaves under this Rule, which may include additional procedural eligibility criteria. Employees granted leaves under this Rule shall continue to be eligible to participate in employee health and dental benefit plans, provided that they pay any required employee premium contributions to maintain those benefits. Nothing in this Rule shall be construed to grant a contract principal a leave of absence beyond the termination date of the contract principal's contract, or to extend the termination date of the principal's contract.

a. *Military Leave*

1. *Eligibility.* The Chief Executive Officer or his/her designee shall grant military leaves or reserve military leaves to full-time employees for any period the full-time employee spends in military service, including basic training, special or advanced training, and annual training, whether or not within the State of Illinois, and whether or not voluntary.
2. *Seniority and Benefits During Military Leave.* An employee on any military leave provided in this Rule shall continue to accrue seniority and other benefits.
3. *Pay During Military Leave.*
 - a. *Annual Training.* Any full-time employee granted a leave of absence for annual training under this Rule shall receive his regular compensation.
 - b. *Basic, Special or Advanced Training.* During the first sixty (60) days of military leave for basic, special or advanced training, an employee will receive the employee's regular compensation minus the amount of his/her base pay for military activities.
4. *Return to Work at Conclusion of Leave.* An employee, other than a miscellaneous employee, who is granted a military leave under this Rule and who: (1) receives a certificate described in section 9(a) of the Military Selective Service Act, 50 USCS Appx. § 459(a) (relating to the satisfactory completion of military service); and (2) makes application for reemployment within ninety (90) days after the employee is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year, the employee shall be returned to work, as follows: a. if qualified to perform the duties of his/her former position, the employee shall be reinstated to his/her former position or a position of like seniority, status or pay; or b. if not qualified to perform the duties of his/her former position due to a disability sustained during the military leave, the employee will be offered a vacant position for which he/she is qualified.

- b. *Bereavement Leave.* The Chief Executive Officer or his/her designee shall grant eEmployees, other than substitute teachers, retired teachers and miscellaneous employees, ~~shall be granted~~ paid bereavement leaves, as follows:
1. A leave not to exceed ten (10) week days, including holidays and layoff days, at the death of the eligible employee's parent, spouse, domestic partner, grandparent, child, brother, or sister of the employee, or step-parent married to a parent of the employee, provided that the last five (5) days of such a leave shall be applied against the employees' sick leave bank; and
 2. A leave not to exceed five (5) week days, including holidays and layoff days, at the death of the eligible employee's grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, nephew, niece, uncle, aunt, or first cousin of the employee, provided that all days of such leave shall be applied against the employee's sick leave bank.
- c. *Jury Duty Leave.* The Chief Executive Officer or his/her designee shall grant eEmployees, other than day-to-day substitute teachers, retired teachers and miscellaneous employees, ~~shall receive~~ a paid leave of absence when summoned for jury duty, provided that the amount of jury duty pay shall be deducted from the employee's pay for each day of jury duty. Day-to-day substitute teachers, retired teachers and miscellaneous employees shall be excused from work without pay when summoned for jury duty. The provisions of this Rule shall be applicable during summer school assignments.
- d. *Court Attendance Leave.* The Chief Executive Officer or his/her designee shall grant eEmployees ~~shall receive~~ a paid leave of absence for court attendance when:
1. the employee is required to attend court, or other judicial proceedings, in connection with litigation in which school interests or records are involved, or when the State of Illinois, the City of Chicago, or the Board is a party and the employee is not personally interested in the outcome of the litigation; or
 2. the employee is subpoenaed to appear in court within Cook County, Illinois, in a matter in which the employee has no personal interest in the outcome of the case, in which case, the subpoena fee shall be deducted from the employee's pay.
- e. *Conference Leave.* The Chief Executive Officer or his/her designee shall ~~have authority to grant~~ ~~to an employee,~~ other than substitute teachers, retired teachers or miscellaneous employees, a paid conference leave to attend professionally-related conferences, meetings, workshops, conventions, or commencement exercises for the employee, if in the Chief Executive Officer or his/her designee's judgment, the employee's attendance is beneficial or related to the work of the schools.
- f. *Sabbatical Leave for Appointed Teachers, and Principals.* Upon recommendation of the Chief Executive Officer or his/her designee, the Board may grant paid leaves of absence to appointed teachers and contract principals, who have completed six (6) continuous years of satisfactory service, for the purposes of resident study, travel or other purposes, for a period of at least five (5) months but no more than ten (10) school months, if the Board determines that the leave will improve the service of the teacher or contract principal to the public schools. Eligibility for and the terms and conditions of sabbatical leaves will be established by Board policy.
- g. *Appointed Tenured Teacher, Contract Principal or Quota Assistant Principal's On-Loan Leaves of Absence.* The Chief Executive Officer or his/her designee may grant to tenured teachers, contract principals or quota assistant principals the types of on-loan leaves set forth in subparagraphs 1, 2 and 3 of this Section under the conditions set forth in those paragraphs without Board action and shall report such leaves on his/her quarterly report to the Board. The Board shall establish policies governing the terms and conditions under which ~~it will~~ the Chief Executive Officer or his/her designee may loan employees and the terms and conditions for agreements by which

~~employees are to be loaned. to other institutions for employment with that institution. The decision to grant an on-loan leave of absence rests solely within the discretion of the Chief Executive Officer or his/her designee and is not an entitlement to eligible tenured teachers, assistant principals or contract principals. Upon recommendation of the Chief Executive Officer or his/her designee, the Board may grant paid leaves of absence to appointed teachers, contract principals or assistant principals in accordance with Board policies for the purpose of:~~

1. ~~On-loan leave to a University or Other Educational Institution. After the Board has approved a contract with a University or Other Educational Institution for an on-loan leave, the Chief Executive Officer may grant a tenured teacher, quota assistant principal or contract principal an on-loan leave to take~~ Taking a position at a university and/or other educational institution if in the judgment of the Chief Education Officer such a leave will enable the teacher or administrator to engage in activities that will contribute to increasing the achievement of the students of the Chicago Public Schools; ~~or~~
2. ~~On-loan leave to a Contract School. After the Board has approved a contract with a contract school for an on-loan leave, the Chief Executive Officer may grant a tenured teacher, quota assistant principal or contract principal an on-loan leave to take~~ Taking a position with a contract school established under the Board's Policy to Establish Renaissance Schools, as adopted on September 22, 2004, and as it may hereafter be amended from time to time; ~~or~~
3. ~~On-loan leave to Central or Area Offices. The Chief Executive Officer may grant a tenured teacher, quota assistant principal or contract principal an on-loan leave to take an administrative position with the Board at an Area or Central Office.~~

Sec. 4-15. Other Leaves without Pay. ~~The Chief Executive Officer or the Board, upon recommendation of the Chief Executive Officer,~~ may grant leaves without pay to eligible employees as set forth in this Rule ~~without Board action and shall report all such leave in his/her quarterly report of personnel transactions to the Board.~~ The Chief Executive Officer or his/her designee shall establish procedures for applying for unpaid leaves under this Rule, which may include additional procedural eligibility criteria. Employees granted leaves under this Rule shall continue to be eligible to participate in employee health and dental benefit plans, provided that they pay any required employee premium contributions to maintain those benefits. Nothing in this Rule shall be construed to grant a contract principal a leave of absence beyond the termination date of the contract principal's contract or to extend the termination date of the principal's contract.

- a. *Personal or Student Teaching Leaves of Absence for Educational Support Personnel.* The Chief Executive Officer may grant educational support personnel employees who have been employed for not less than three (3) months personal or student teaching leaves of absence without pay. The Chief Executive Officer, in the exercise of his/her discretion, may permit educational support personnel granted a personal leave of absence to be paid appropriate accumulated benefit time during the leave. Student teaching leaves of absence shall be without pay. Educational support personnel granted a personal or student teaching leave of absence under this Rule shall be restored to their former positions at the termination of the leave if the former position is available. If the former position is not available, the educational support personnel employee may apply for consideration for other educational support personnel vacancies and, if the educational support personnel employee is not selected to fill such vacancies, he/she will be laid off in accordance with Board Rules and Policies.
- b. *Tenured Teachers' Leave for Travel or Study.* ~~Upon recommendation of the Chief Executive Officer or his/her designee, the Board may grant an unpaid leave of absence for one (1) year or less to a tenured teacher for educationally-related travel or for full-time study in accredited institutions of learning. At the conclusion of the leave, the tenured teacher must present credentials showing the course work pursued and the amount of work done to the Chief Education Officer. In case of leave for travel, evidence of such travel shall be presented to the Chief Education Officer. When a leave has been granted under this Rule, the absence shall not~~

be construed as a break in service so far as seniority is concerned and the tenured teacher shall be returned to his/her position at the termination of the leave position shall be held open. A tenured teacher granted a leave under this Rule shall be ineligible for another leave under this Rule for a period of at least four (4) years after the conclusion of the leave. Any person who is granted leave under the provisions of this Rule, who fails to devote the entire period of the leave to the purposes specified in the application for leave shall pay to the Board the cost of maintaining benefits for the teacher during the leave and may be subject to discipline or dismissal in accordance with the Board's Employee Discipline and Due Process Policy, as it exists now or as it may hereafter be amended.

- c. *Tenured Teachers' Leave for Charter School Employment.* The Chief Executive Officer or his/her designee may grant unpaid leaves of absence to tenured teachers who accept employment with a charter school in accordance with 105 ILCS §27A-10(b). Charter school leaves shall be granted in one (1) school year increments. Successive charter school leaves may be granted for up to maximum of five (5) school years. A tenured teacher who is granted a leave of absence for charter school employment may return to his/her former position only if the leave terminates after his/her first year of charter school leave; if the leave terminates after more than one (1) year of leave, the teacher shall be assigned to the Reassigned Teacher Pool in accordance with the Board's Policy on Reassignment and Layoff of Regularly Certified and Appointed Tenured Teachers, as it exists now, or as it may hereafter be amended.
- d. *Tenured Teachers' and Certificated Administrators' Personal Leave of Absence.* ~~Upon recommendation of the~~ The Chief Executive Officer or his/her designee, ~~the Board~~ may grant an unpaid personal leave of absence with full loss of salary for a period of two (2) years or less to any tenured teacher, certificated administrator, contract principal or quota assistant principal, if in the judgment of the Chief Executive Officer, such leave will enable the tenured teacher, certificated administrator, contract principal or quota assistant principal to engage in an activity which will be beneficial to the work of the Chicago Public Schools. A contract principal's application for a personal leave of absence shall be conditioned upon the termination of the contract principal's contract and consent of the applicable local school council. Upon conclusion of the personal leave of absence, the tenured teacher, contract principal or assistant principal may apply for vacant positions.
- e. *Tenured Teachers' and Educational Support Personnels' Union Leaves.*
1. Upon application by the Chicago Teachers Union ("CTU"), the Illinois Federation of Teachers ("IFT"), or the American Federation of Teachers ("AFT"), ~~and upon recommendation of the Chief Executive Officer,~~ or designee may, without Board action, grant employees who are elected or appointed to full-time positions with the CTU, IFT or AFT ~~may be granted~~ leaves of absence without pay for the purpose of accepting positions, provided that no more than thirty-five (~~30~~ 35) employees shall be granted such a leave at any one time. Employees granted a union leave of absence shall retain all other benefits as if they were in regular service. They shall continue to accrue seniority for salary increments and all other purposes where seniority is a factor, and their absence shall not be construed as a break in service for any purpose. As condition of such leave, the CTU, IFT, and AFT must agree to pay the cost of maintaining any benefits for the employee. At the conclusion of a union leave under this Rule, the teacher shall not have the right to return to his/her former position but will be assigned to an equivalent position in the area of his or her certification in accordance with the faculty integration plan. An educational support personnel employee granted a union leave under this Rule shall not have a right to return to his/her former position at the conclusion of the leave but shall have a right to return to an equivalent position, provided the educational support personnel employee provides the Board ninety (90) calendar days notice of his/her intent to return.

2. The Chief Executive Officer or his/her designee may, without further Board action, grant union leaves of absences authorized by collective bargaining agreements approved by the Board to employees who are elected or appointed to union offices. The Chief Executive Officer or designee shall approve such leaves in accordance with the terms of the collective bargaining agreement approved by the Board.
- f. *Tenured Teachers' Pension Office Employment Leave.* Upon application by the Chicago Teachers' Pension Fund, ~~and upon recommendation of the Chief Executive Officer or designee, the Board~~ may grant an unpaid leave of absence to tenured teachers to accept appointments to full-time positions with the Chicago Teachers' Pension Fund. As condition of such leave, the Chicago Teachers' Pension Fund must agree to pay the cost of maintaining any benefits for the employee. Upon termination of the leave, employees shall be treated as laid off employees and afforded the rights and benefits provided in the applicable Board's layoff policies.
- g. *Principals' Summer Leave of Absence.* Upon recommendation of the ~~Chief Executive Officer and Local School Council, the Board~~ the Chief Executive Officer or designee may grant an unpaid leave of absence for two (2) calendar months or less during the calendar months of July and August to a contract principal who submits proper application prior to the May 1st preceding the months of July and August for which leave is requested. When a leave has been granted under this section, the absence shall not be construed as a break in service so far as seniority is concerned and the principal's position shall be held open. Principals granted such leaves of absence shall retain all other benefits as if they were in regular service, except that they shall not be allowed to accrue sick or vacation benefit days, or receive pension credit for the period of the unpaid summer leave.
- h. *Family Military Leave of Absence.* The Chief Executive Officer or designee may grant an unpaid family military leave of absence of up to thirty (30) calendar days to an employee who: 1) is the spouse or parent of any person called to military service for a period of more than thirty (30) calendar days pursuant to orders of the Governor of the State of Illinois or the President of the United States, 2) has been employed by the Board for at least twelve (12) months, and, 3) has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. Employees who request unpaid family military leave for five (5) or more consecutive work days must make their request for the leave fourteen (14) days prior to the commencement of the leave; employees who request unpaid family military leave for less than five (5) consecutive work days shall make their request as soon as practicable. Upon termination of the leave, the employee shall be restored to the position held by the employee prior to commencement of the leave or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment, unless the employee would not have maintained his/her position regardless of the leave. The Chief Executive Officer or designee shall establish procedures and requirements for applying for leaves, including requirements for submission of certification from the proper military authority to verify the employee's eligibility for the family military leave and procedures for return of employees at the conclusion of the family military leave.