

WITHDRAWN DRAFT

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September 23, 2009

AMEND BOARD RULE 4-1 DELEGATION OF AUTHORITY AND REPORTING TO THE BOARD

THE GENERAL COUNSEL RECOMMENDS:

That the Board of Education of the City of Chicago amend Board Rule 4-1 on the Delegation of Authority and Reporting To The Board.

TEXT:

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. except as provided in 4-1(c)(1) to hire, appoint, or promote based on merit employees upon his/her own recommendation or the recommendation of the General Counsel, the Chief Financial Officer, executive officers, officers or principals, and to establish eligibility criteria for hire, appointment or promotion;
 2. to classify and reclassify employees;
 3. to establish a schedule of basic salaries and wage rates, and to set or adjust compensation, wages and/or salary for employees based on employee classifications or job titles or other criteria;
 4. to establish policies with respect to overtime pay;
 5. to grant annual increases to wages and salary based on cost of living for employees not subject to a performance management program or merit pay plan and to grant or withhold annual increases to wages and salary based upon merit to employees subject to a performance management program or merit pay plan adopted by the Chief Executive Officer or designee;
 6. to establish employee benefit plans, including employee medical, dental and life insurance plans, 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;
 12. to commence disciplinary or dismissal proceedings against employees;
 13. to demote, transfer, discipline or dismiss employees;
 14. to layoff employees, reduce the Board's workforce, or declare unpaid furlough days for employees;
 15. to accept resignations and retirements from employees; and,

16. to establish salaries for executive officers and officers;
 17. ~~46.~~ 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 and ~~Monthly Report of Salary Increases in Excess of Ten (10%) Percent.~~* 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. ~~The Chief Executive Officer or his/her designee(s) shall submit a monthly report (which shall be made public) to the Board that summarizes~~ This report shall include a summary of salary increases in excess of ten (10%) percent granted to employees during the previous month, quarter including those caused by promotion or position reclassification.
- 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 the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, the Chief Financial Officer, executive officers, officers, and contract principals at schools with Appointed Local School Councils and contract principals at schools with Local School Councils that fail to directly select a principal in accordance with section 34-2.3(2) of the Illinois School Code;
 2. to establish salaries upon hire for the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, and the Chief Financial Officer, ~~executive officers and officers;~~
 3. to dismiss the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, the Chief Financial Officer, executive officers and officers upon majority vote of the full membership of the Board;
 4. to dismiss probationary appointed teachers in accordance with the Illinois School Code;
 5. to dismiss contract principals and tenured teachers for cause after adoption, modification or rejection of an Illinois State Board of Education hearing officer's recommendation;
 6. to terminate the contract of and to dismiss a contract principal upon recommendation of the Chief Executive Officer, after notice and a hearing, in accordance with the Section 5/34-8.3(d) of the Illinois School Code or, upon consent of the contract principal and the applicable local school council; and,
 7. to, upon recommendation of the Chief Executive Officer or his/her designee, dismiss for cause non-probationary assistant principals and educational support personnel whose employment is governed by collective bargaining agreements.

Respectfully Submitted:

Patrick J. Rocks
General Counsel