

July 25, 2024


AUTHORIZE THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD FOR THE AMENDMENT OF THE PAID TIME OFF POLICY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board authorize the commencement of the Public Comment Period from July 26, 2024 to August 26, 2024 for the Policy described in the disposition table below. Pursuant to Board Rule 2-6(c), the Board must authorize the commencement of the Public Comment Period.

Current Policy Section/ Current Policy Title	New Policy Section/ New Policy Title	Description of Revision/Disposition
Board Report 23-0426-PO1, Policy 302.9 Paid Time Off		Amend 302.9 Paid Time Off Substantive changes include 1) new hire sick grant 30-day waiting period, 2) new paid leave and sick and accrual for part-time union/non-union seasonal/misc/hourly employees at the rate of 1 hour for every 35 hours worked for paid leave and paid sick time with some carryover and payout implications, 3) new sick leave reasons and definitions, 4) incorporating holiday pay rules from Board Rule 4-10, including 3 religious holiday grants for all staff.

Approved as to Legal Form: 

DocuSigned by:

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Ruchi Verma
General Counsel

Approved:

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Pedro Martinez
Chief Executive Officer

AMEND PAID TIME OFF POLICY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education ("Board") amend Board Report 21-0428-PO2 Paid Time Off Policy. The amendments to the policy include new eligibility to accrue paid sick days for miscellaneous/part-time seasonal employees.

PURPOSE: This policy provides for the accrual, accumulation, and use of paid vacation days, sick days, personal business days, and Short-Term Disability benefits by eligible employees in alignment with existing programs and practices, Board Rules, and state law.

POLICY TEXT:

This policy applies to CPS employees in a job category listed by the Chief Executive Officer ("CEO") or designee as benefits eligible, including those employees who are subject to a Collective Bargaining Agreement ("CBA") to the extent this policy does not conflict with the terms of the applicable CBA. This policy does not apply to employees in a job category listed by the CEO or designee as not benefits-eligible which includes, but is not limited to, part-time, substitute, or retiree job categories.

I. Sick Days.

An employee may use Sick Leave when:

- Employee is ill or injured, or for the purpose of receiving professional care, including preventive care, diagnosis, or treatment, for medical, mental, or behavioral issues, including substance use disorders;
- An employee's family household member is ill, injured, or ordered to quarantine, or to care for a family member receiving professional care, including preventive care, diagnosis, or treatment, for medical, mental, or behavioral issues, including substance use disorders;
- An employee, or an employee's family household member, is the victim of domestic violence, or a sex offense, or trafficking, or a victim of a violent crime;
- Employee's place of business is closed by order of a public official due to a public health emergency, or the employee needs to care for a family household member whose school, class, or place of care has been closed;
- Employees placed on suspension or otherwise placed on leave due to disciplinary reasons may not use paid sick leave.
- Employee obeys an order issued by the Mayor, the Governor of Illinois, the Chicago Department of Public Health, or a treating healthcare provider, requiring the employee to:
 - Stay at home to minimize the transmission of a communicable disease;
 - Remain at home while experiencing symptoms or sick with a communicable disease;
 - Obey a quarantine order issued to the employee;
 - Obey an isolation order issued to the employee.

~~Employees are granted sick days for use during the employee's personal illness or illness in the immediate family or household. For purposes of this policy, (i) "illness" means illness, injury, or medical appointment (including appointments for medical procedures, dental and mental health services, and other physical and mental health therapy appointments), and "immediate family or household"~~ For the purposes of this Section, "family household member" means the employee's parent, stepparent, grandparent, child, stepchild, foster child, grandchild, brother, sister, spouse, domestic partner or party to a civil union as defined in Board Rule 4-17, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, nephew, niece, uncle, aunt, and cousin.

Sick days may also be used in accordance with terms of the Board's Bereavement Leave (Board Rule 4-14).

Employees placed on suspension or otherwise placed on leave due to disciplinary reasons may not use paid sick leave.

Nothing in this section prohibits the Chief Talent Officer, as the CEO's designee, from authorizing additional paid time-off when appropriate in extraordinary cases where an employee's continued illness extends beyond the amount of their available paid time off.

A. *Sick Day Bank* - Sick days are granted (front-loaded) to an employee that is actively reporting to work at a rate of one day per scheduled full month worked and are maintained in the employee's Sick Day Bank. Teachers who are at the maximum step of the salary schedule and have at least thirteen (13) years of full-time teaching experience receive one (1) additional sick day per year. Teachers who are at Step 13 on the salary schedule and have at least eighteen (18) years of full-time teaching experience receive two (2) additional sick days per year. For new employees hired after the start of the fiscal year, a prorated number of sick days will be ~~maintained~~ granted in their Sick Day Bank, following a ~~60~~ thirty (30) calendar day waiting period that begins on the date of hire. If an employee is on leave at the beginning of their scheduled work year, the sick days will be granted upon their return to work at a prorated rate. Days granted at the beginning of the fiscal year may not be used unless the employee is actively reporting to work. Employees will not accrue paid leave or paid sick leave while using any paid or unpaid leave.

Front-loaded Sick days that a non-union employee does not use on or before June 30th of the fiscal year in which the sick days were earned will be removed from the Sick Day Bank and forfeited. Any days in the Sick Day Bank that an employee does not use on or before the date their employment ends will be forfeited.

Sick day advancement

If a newly hired employee requests to use a sick day(s) before the sick day(s) is made available for usage, it will only be granted if the employee agrees, in writing, that in the event the employee resigns or is otherwise separated from employment after having been paid for sick days before they are granted, the CEO or designee may deduct the amount of paid unearned sick days from any final compensation due to the employee, including any final payout of vacation days on separation. Any sick days used before they are made available for usage will be deducted from the initial amount granted into the employee's bank. CPS may request that the employee submit a provider note to qualify for advance sick day use in this paragraph. Part-time union and non-union seasonal/miscellaneous/hourly employees are not eligible for sick day advancement under this Section.

~~Non-union seasonal/miscellaneous/hourly employees~~ Part-time union and non-union seasonal/miscellaneous/hourly employees

- ~~shall~~ accrue sick leave in the amount of one hour for every ~~forty~~ thirty-five (35) hours worked (up to 40 hours in a 12-month period). Employees hired after the start of the fiscal year will receive a grant of 40 hours of sick leave maintained in their Sick Day Bank, following a ~~60~~ 30 calendar day waiting period that begins on the date of hire.
- Up to 80 hours if accrued and unused sick time may be carried over into the next fiscal year. Leave may be used at a minimum of half-day increments.

Special Note: In the event that an employee transfers from a unionized position to a non-union, 52-week position, the sick time earned while in their unionized position will be maintained in a separate Sick Day Bank. This sick time may be available for use while on an approved Leave of Absence in the event that the employee exhausts

their allotted central office/non-union sick days. They may use the accrued sick time upon their return to an equivalent unionized position, assuming that position accrues or is granted sick time at a rate other than 12 days per fiscal year.

B. Paid leave for part-time union and non-union seasonal/miscellaneous/hourly employees. Part-time union and non-union seasonal/miscellaneous/hourly employees will accrue 1 hour of paid leave for every 35 hours worked (up to 40 hours in a 12-month period) to be used as needed after the 90th calendar day of employment. Paid leave hours that an employee does not use on or before June 30th of the fiscal year in which the paid leave days were earned will be carried over to the next fiscal year (up to 16 hours in a 12-month period). When an employee separates from service or does not receive an assignment for 60 days they may request a pay out of their unused paid leave hours. If an employee moves from a seasonal/miscellaneous/hourly position to an eligible position that front-loads paid leave hours will be paid out. Employees placed on suspension or otherwise placed on leave due to disciplinary reasons may not use paid leave.

Paid leave requests for part-time employees will be evaluated and granted on a case-by-case basis. Approval will depend on maintaining the continuity of operations within the department, school, or district-wide, considering factors such as staffing requirements, sufficient student coverage, critical school/department activities, and the impact on services. Requests will be considered on a first-come, first-served basis.

Paid leave for part-time employees should be requested in writing in advance, according to the guidelines set by the school or department, and must not be submitted more than seven days before the intended leave date, except in unforeseen circumstances. In cases of unforeseen circumstances, the request should be made as soon as possible so that these requests can be evaluated to determine if granting the request will negatively impact maintaining continuity of operations. If the request is denied, the denial must be provided in writing, including the rationale for the decision.

B.C. Grandfathered Sick Day Bank. For employees hired before July 1, 2012, with an existing bank of accumulated unused sick days as of June 30, 2012, such sick days were retained in a Grandfathered Sick Day Bank for use by the employee. Upon resignation or retirement, unused days remaining in the employee's Grandfathered Sick Day Bank are subject to the payout provisions set out in Section I.H. of this Policy. Employees with a Grandfathered Sick Day Bank who are laid off or who resign and return to service within one year of separation will have a restoration of their unpaid accumulated sick days in their Grandfathered Sick Day Bank at time of separation.

€. D. Transfer of Sick Days Earned at Other Agencies. For new employees, the CEO or designee will not accept the transfer of accumulated sick days earned as a full-time employee of the City of Chicago, Chicago Housing Authority, Chicago Park District, County of Cook, Cook County Forest Preserve District, Metropolitan Water Reclamation District of Greater Chicago, School Finance Authority, City Colleges of Chicago or the State of Illinois ("other agency"). For employees with an authorized transfer of other agency sick days occurring prior to July 1, 2012, such days are maintained in an Other Agency Sick Bank for use by the employee. Upon resignation or retirement, unused days remaining in the employee's Other Agency Day Bank are forfeited and are not subject to payout.

Đ. E. Sick Pay. Employees who use their sick days (whether Sick Days, Grandfathered Sick Days or Other Agency Sick Days) will be paid their regular daily rate of pay for the sick day at the time the sick day is taken. Teachers on extended programs, including 8-hour day positions and regularly scheduled classes authorized on an overtime basis (but not including classes established after regular school hours to supplement the regular program, such as after-school classes in reading and arithmetic, driver training programs, evening school

programs and social center programs), will be entitled to extended-day pay when absent if entitled to sick pay for the normal school day under the provisions of this policy.

E. F. Physician's Certificate. Any employee who is absent for more than three (3) consecutive work days must provide a certificate of treatment from a physician, or if the treatment is by prayer or spiritual means, from the advisor or practitioner of such employee's faith ~~as a condition of their return to work~~. If a supervisor has a reasonable suspicion that an employee is abusing sick days, they may demand that the employee provide a certificate that the employee has received treatment from a physician, advisor or practitioner regardless of the number of days of absence.

F. G. Returnees from Military Leave. Employees who return from military leave within sixty (60) days after they are honorably discharged will receive credit for the purpose of sick day allotment for the period of their military leave, as if they had been continuously in the service of the Board.

G. H. Failure of Notice of Return to Service. When a teacher, or other employee category where a substitute is assigned, reports for duty after a temporary absence without giving notice to the school by 2:00 p.m. the day prior to their return to duty and a substitute has been sent to the school, the amount paid to the substitute for one-half (½) day service will be deducted from the salary of the teacher.

H. I. Payout of Grandfathered Sick Day Bank Upon Qualifying Event. The CEO or designee will pay an eligible employee all or part of their Grandfathered Sick Day Bank as set out below.

1. **Qualifying Event and Payout Percentage.** An employee is eligible to receive a full or partial payout of their Grandfathered Sick Day Bank based on a qualifying event as follows:

Qualifying Event	Percentage to be Paid Out
Resignation or retirement with 33.95 or more years of Board service	100%
Resignation or retirement with at least 20 but less than 33.95 years of Board service	90%
Resignation or retirement at age 65 with less than 20 years of Board service	85%
Employee's Death	100%

2. **Payout of Grandfathered Sick Day Bank to 403(b) Tax Deferred Compensation Plan for Certain Eligible Employees.** Effective July 1, 2004, in lieu of the amount payable to an eligible employee who (i) separates from service with the Board and who, upon such separation, is eligible to receive a service retirement pension pursuant

to Section 17-116 of the Illinois Pension Code or an annuity pursuant to Sections 8-130, 131, or 132 of the Illinois Pension Code, and (ii) who has the equivalent of two thousand (\$2,000.00) dollars or more in his/her Grandfathered Sick Day Bank at the time of separation, the Board will contribute on behalf of an eligible employee to the Chicago Public Schools 403(b) Tax Deferred Compensation Plan (the "Plan") an amount equal to the lesser of (i) the applicable unused Grandfathered Sick Day Bank pay equivalent amount payable under Section I.H. of this Policy, or (ii) \$80,000 (the "Contribution"). If the eligible employee has not contributed to the Plan at the time of his or her separation, the Board will select a Plan Service Provider pursuant to its established guidelines. Because of the limitations imposed by Section 415 of the Internal Revenue Code of 1986, as amended ("IRC"), the Contribution in the year of separation will be the lesser of (i) the IRC limit less any amount of elective deferrals that the eligible employee may have made to the Plan in the year of separation, or (ii) the total unused days in the employee's Grandfathered Sick Day Bank. If the full Contribution cannot be made to the Plan in the year of separation, then additional installments of the Contribution (up to the IRC limit for each year) must be made no later than March 31 of each succeeding calendar year following the calendar year in which separation occurs, up to five years, if necessary. The amount of each installment must not exceed the amount allowable under IRC Sections 403(b) and 415. Any amount in excess of the Contribution or below the minimum Contribution amount that would be payable under Section I.H. of this Policy will be paid directly to the eligible employee at the time of separation.

II. Short Term Disability Benefits. In the event an employee is unable to work due to the employee's non-occupational injury, sickness or pregnancy the employee may apply for a Short-Term Disability ("STD") benefit. Under the STD plan, an employee may continue to receive a full or partial salary for up to 90 calendar days in a rolling 12-month period. An employee's eligibility for STD benefits is subject to the applicable conditions and prerequisites specified in the STD plan issued by the CEO or designee including those related to the use of sick days, filings under the Family and Medical Leave Act, physician documentation and coverage exclusions. For new employees, STD eligibility begins on the first calendar day of the month following a 60 calendar day waiting period that begins on the date of hire.

III. Personal Business Days. Employees, other than part-time union and non-union seasonal/miscellaneous/hourly, are granted an allotment of three (3) personal business days ("Personal Day(s)") annually during the first payroll period of the fiscal year in July. New employees are granted three (3) Personal Business Days prorated according to their date of hire as follows: those beginning employment between July 1 and September 30, three (3) days; those beginning employment between October 1 and March 31, two (2) days; those beginning employment between April 1 and May 31, one (1) day; and, those beginning employment between June 1 and June 30, zero (0) days. New employees will receive their allotment of Personal Business Days following a 60 calendar day waiting period that begins on the date of hire. Employees forfeit the Personal Business Days that are not used within the same fiscal year the Personal Business Days are granted.

Personal business days will be evaluated and granted on a case-by-case basis. Approval will depend on maintaining the continuity of operations within the department, school, or district-wide, considering factors such as staffing requirements, sufficient student coverage, critical school/department activities, and the impact on services. Requests will be considered on a first-come, first-served basis.

Personal business days should be requested in writing in advance, according to the guidelines set by the school or department, and submitted seven days before the intended leave date, except in unforeseen circumstances. In cases of unforeseen circumstances, the request should be made as soon as possible to evaluate whether granting the request will negatively impact maintaining continuity of operations. If the request is denied, the denial must be provided in writing, including the rationale for the decision.

IV. Vacation Days.

A. Accrual of Vacation Days.

1. *Teachers and Employees Employed For Less Than 52-weeks.* Teachers and employees employed for less than 52-weeks, including appointed and temporarily assigned teachers, receive up to ten (10) days of paid vacation per year, five during the Winter Recess and five during the Spring Recess as designated in the Academic Calendar. A new teacher or employee in a position with an employment period of less than 52-weeks per year, less than 12 calendar months per year or less than 13 school months per year, is eligible for three (3) paid vacation days for Winter Recess based on formulas in applicable collective bargaining agreements. Vacation days under this section must be used and do not accumulate.

2. *Educational Support Personnel and Officers.* Effective January 4, 2021, educational support personnel and certificated administrators accrue vacation days each pay period at the accrual rate provided below unless the employee has reached their maximum accrual amount. Effective January 4, 2021, the General Counsel, the Board Secretary, Executive Officers, and Officers accrue vacation days each pay period at the accrual rate provided below unless the employee has reached their maximum accrual amount.

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Maximum Accrual</u>
For service up to and including ten (10) years	.0577 days per day paid, not to exceed three (3) weeks or fifteen (15) days per year	25 days
For service eleven to twenty (20) years inclusive	.077 days per day paid, not to exceed four (4) weeks or twenty (20) days per year	30 days
For service for twenty-one (21) or more years	.097 days per day paid, not to exceed five (5) weeks or twenty-five (25) days per year	35 days

Once the applicable maximum accrual of vacation days has been reached, no additional vacation days will be accrued by the employee until the balance of unused vacation days falls below the applicable maximum accrual.

B. Vacation Day Use and Pay. Vacation may be taken at a time approved by the employee's department head or designee. Employees will be paid their regular daily rate of pay for their Vacation Days at the time the vacation is taken. Whenever possible, teachers and staff should schedule vacation activities during their pre-defined vacation periods of Winter and Spring Breaks.

C. Prior Board Service. Employees who are laid off or who resign and return to Board employment within one year of separation will have a restoration of their prior Board years of service for vacation accrual purposes.

2. **D. Outside Public Agency Service.** Effective July 1, 2012, service credit adjustments shall not be made for new employees who were previously employed by the City of Chicago, Chicago Housing Authority, Chicago Park District, County of Cook, Forest Preserve District, Metropolitan Pier and Expositions Authority, Metropolitan Water Reclamation District of Greater Chicago, School Finance Authority, Chicago Transit Authority, City Colleges of

Chicago or the State of Illinois. Any service credit adjustment for prior employment with the above-noted agencies authorized for an employee prior to July 1, 2012 in accordance with the rules and policies then in effect will be maintained until the employee separates from employment. Employees with previously-approved service credit adjustments who are laid off or who resign and return to service within one year of separation will have a restoration of their prior service credit adjustment.

D. E. Final Payout of Accumulated Reserve Vacation Benefit Days. An employee with unused and accumulated reserve vacation benefit days and/or RS2 vacation benefit days that were awarded to the employee under prior policies and rules (collectively referred to as "Reserve Days") will be paid for such accumulated Reserve Days at the employee's prevailing salary with such final payout occurring as part of the last full pay period of FY2014. Upon payment, Reserve Days will no longer be awarded or held in a benefit day bank for employee use.

E. E. Payout Unused Vacation Benefit Days. If an employee separates from Board service they are entitled to receive payment after separation for all unused vacation days at the employee's prevailing salary. An appointed teacher or temporary assigned teacher who is displaced will be paid out any earned and unused vacation pay in accordance with formulas and eligibility criteria set forth in applicable collective bargaining agreements. In the event of an employee's death, the surviving spouse or estate is entitled to receive payment for all of the employee's unused vacation days at the employee's prevailing salary. An employee transferring either from a school month to a calendar position or from a calendar to a school month position will receive payment for accumulated vacation days at the rate of pay immediately prior to the transfer.

F. G. Military Service. Employees who have returned from military service and who resume work with the Chicago Public Schools within sixty (60) days after a discharge other than dishonorable are considered as having been continuously in the service of the Chicago Public Schools during the period of such leave. The employee will not earn vacation days during the period of the employee's military leave of absence.

V. Holidays

- A. Employees otherwise scheduled to work shall not be scheduled to work on Board holidays, except as necessary for the security and maintenance of facilities. Holidays that fall on a Sunday shall be observed on the Monday following the holiday. Holidays that fall on a Saturday shall not be observed. Reference the academic calendar for Board's paid holidays.
- B. Holiday Pay and Conditions for Holiday Pay. Employees, other than substitute teachers, and part-time/seasonal employees shall be paid their regular pay for the holiday. In the case of teachers, "regular pay" includes pay for extended day and regularly scheduled classes authorized on an overtime basis. To be eligible for holiday pay, employees must work either the day before or the day after the holiday, unless the employee has been approved to use benefit time on those days. Other eligibility requirements may be established by collective bargaining agreements or Board policies.
- C. Religious Holiday Benefit Days (RHL). Religious Holidays. Employees, other than substitute teachers, and part-time/seasonal employees shall be granted an allotment of three (3) paid religious holiday benefit days during the first payroll period of the fiscal year in July for the observance of religious holidays. New employees will receive their allotment of religious holidays following the first pay period after their date of hire. Employees forfeit the Religious Holiday Benefit Days that are not used within the same fiscal year the Religious Holiday Benefit Days are granted. Unused religious holidays are ineligible for payout upon employment separation. Religious holidays shall not be considered an absence, provided that the employee must give written notice to their supervisor at least seven calendar (7) days in advance of non-attendance for the religious holiday. Approval for these requests will be at the discretion of the principal or manager, taking

into account operational needs such as staffing requirements, maintaining student coverage, critical/department activities, availability of substitutes, and impact on services.

VI. Credit Adjustments

G.A. Years of Service and Adjustments to Service Credit. The calculation of an employee’s years of service with the Chicago Public Schools is based on full-time service only and is subject to the accounting procedures and requirements established by the CEO or designee. The following adjustments apply when determining an employee’s years of service for vacation accrual purposes.

VII. Exhaustion Hierarchy While on a Paid Leave of Absence

~~F. Exhaustion Hierarchy While on a Paid Leave of Absence.~~ For any applicable paid leave or paid leave benefit where employees are required to use benefit days, the following chart outlines the order in which benefit days must be used (note that if employees are not eligible for the type of benefit day listed, the next type will be used). Employees who are on leave when sick days are granted, will receive the grant of prorated days based on their return to work date.

Supplemental Benefit Day Exhaustion for Short-Term Disability Standalone	Supplemental Benefit Day Exhaustion for Family and Medical Leave (FMLA)
<ol style="list-style-type: none"> 1. SCK - Sick 2. SCU - CTU Sick 3. SCS - SEIU Sick 4. SCG - Grandfather Sick 5. OAS - Other Agency Sick 6. VAC - Vacation 7. SCD - Donated Sick 	<ol style="list-style-type: none"> 1. SCK - Sick 2. SCU - CTU Sick 3. SCS - SEIU Sick 4. SCG - Grandfather Sick 5. OAS - Other Agency Sick 6. PBD - Personal Business Day 7. VAC - Vacation 8. SCD - Donated Sick