

July 26, 2023

AUTHORIZE THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD FOR PARENTAL AND  
SUPPLEMENTAL LEAVE POLICY STARTING JULY 28, 2023

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board authorize the commencement of the Public Comment Period from July 28, 2023 to August

Policy/Board Rule Summary Form

Policy/Board Rule Being Amended/Created	Policy Manager(s)
Parental & Supplemental Leave	Karla Kirkling
Link to Current Policy/Board Rule (if applicable)	Link to Draft of Policy/Board Rule (Title should include “Rescind and Adopt New”, “Amend”, or “Adopt New” based on what action the department is taking)
<u>Parental &amp; Supplemental Leave</u>	<u>Amend Parental &amp; Supplemental Leave</u>

1. Why is this policy/Board rule being amended, created, or rescinded now? (e.g., state legislation, compliance change, policy was out of date, annual policy review, CEO/CEdO recommendation, etc.)

This policy is being amended to expand the parental leave policy to closely resemble the paid parental leave policy in place with the City of Chicago that took effect January 1, 2023. This amendment is a requested as part of collective bargaining with the CTU to begin the start of the 2023-24 school year.

2. Please provide a high level summary of what policy/Board rule changes are being made, or created, and why.

This amendment will apply to all eligible district employees to expand the current benefit, allowing both birth and non-birth parents to take time off to bond with their newborn or newly adopted/fostered child within the first 12 months of birth or placement. Gestational surrogates will be eligible for up to eight weeks of paid leave for recovery purposes under this benefit. Additionally, we are requesting approval to extend the supplemental leave duration for Paraprofessional and School-Related Personnel (PSRP) to align with Teachers. This change is being requested to abolish gender disparity and inequity when it comes to parental leave benefits.

3. Please provide any notable feedback from internal or external stakeholders, and how you addressed it or planned to address it in your policy/Board rule draft.

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IV. Relationship of Policy to Family and Medical Leave Act Leave of Absence for All Employees Policy

Family and Medical Leave Act ("FMLA") leaves of absence shall be granted to eligible employees before any leave of absence is granted under this policy. The Board's policy on FMLA shall govern leaves of absence taken pursuant to the Family and Medical Leave Act. All supplemental leaves of absence for medical or family related reasons provided in this policy shall run concurrent with any FMLA leave granted.

V. Employees Eligible for Supplemental Leaves

All employees, other than substitute teachers, retired teachers, and miscellaneous employees, shall be eligible for supplemental family and medical leaves as set forth in this policy provided that they meet the eligibility criteria set forth in the applicable sections below.

VI. Full-time Appointed (Tenured and Probationary) Teachers, Paraprofessional and School - Related Personnel (PSRPS) – Supplemental Leaves - Eligibility, Seniority, Pay and Duration

A. Supplemental Childrearing Leave

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leave shall terminate at the conclusion of the current school semester or term. In the event of the death of the child for whom the leave was taken, the childrearing leave shall terminate six months after the death of the child.

4. *Appointed Teacher's, Paraprofessional and School-Related Personnel Rights to Position on Termination of Childrearing Leave*
  - a. *Return Within Ten (10) Work Months.* An appointed Teacher's or Paraprofessional and School-Related Personnel's position shall be held open for a period of ten (10) work months from the start of the childrearing leave, including any portion of the childrearing leave designated as any other leave under this Policy, provided that nothing in this Policy shall prevent the closure of an appointed teacher's position or dismissal or non-renewal of the probationary appointed teacher if those actions would have occurred regardless of the leave. If an appointed teacher or Paraprofessional and School-Related Personnel returns at or before the conclusion of the ten (10) work month period, the appointed teacher or Paraprofessional and School-Related Personnel shall have a right to return to the appointed teacher's or Paraprofessional and School-Related Personnel position provided that the position has not been closed or, in the case of a probationary teacher, that such teacher has been reappointed for the following school year in accordance with Board Rules.
  - b. *Return After Ten (10) Work Months.* If an appointed teacher or Paraprofessional and School-Related Personnel granted a leave under this section does not return at or before the conclusion of the ten (10) work month period, the appointed teacher's or Paraprofessional and School-Related Personnel's position shall be vacated. If an

1. *Eligibility for Leave.* An appointed teacher who is eligible for a family and medical leave under the Board's Family and Medical Leave Policy shall be eligible for a supplemental personal illness leave for all periods of absence due to an appointed teacher's personal illness and resulting inability to work, including a pregnancy-related disability, that exceed ten (10) consecutive workdays.
2. *Duration of Leave.* A personal illness leave granted to an appointed teacher may be extended for up to a total of twenty-five (25) work months in aggregate.
3. *Termination of Leave.* A personal illness leave shall terminate at the conclusion of the leave or any extension granted, when the appointed teacher is able to return to work, or at the conclusion of twenty-five (25) work months, whichever is earliest.
4. *Appointed Teachers' Rights to Position on Termination of Personal Illness Leave.*
  - a. *Return at or Within Ten (10) Work Months.* Appointed teachers' positions shall be held open until the appointed teacher exhausts all accumulated sick leave or for a period of ten (10) work months from the start of the personal illness leave, or to the end of the semester immediately following the expiration of ten (10) work months from the start of the leave, whichever is later, including any portion of the personal illness leave designated as any other leave under this Policy; provided that nothing in this Policy shall prevent the closure of an appointed teacher's position or non-renewal or dismissal of the probationary appointed teacher's employment if those actions would have occurred regardless of the leave. If an appointed teacher returns at the conclusion of the ten (10) school month period, the appointed teacher shall have a right to return to the position provided that the position has not been closed or that the probationary teacher's employment has been renewed.
  - b. *Return After Ten (10) Work Months but Before Expiration of Twenty-Five (25) Work Months.* If the appointed teacher does not return at the conclusion of the ten (10) school month period, his/her position shall be vacated and may be filled by another appointed teacher. If an appointed tenured teacher granted a leave under this section returns to work after the expiration of ten (10) work months but at or before the expiration of the leave granted, the appointed tenured teacher shall become a reassigned teacher and shall be afforded the rights of a reassigned teacher under the Board's Reassigned Teacher Policy, as it exists now or as it may be hereafter amended. A probationary appointed teacher granted a leave under this section may return to work after the expiration of ten (10) work months but before the expiration of twenty-five (25) work months if a principal selects the probationary appointed teacher for a position.
  - c. *Failure to Return to Work After Twenty-Five (25) Work Months.* If an appointed teacher does not return to work after the expiration of twenty-five (25) work months from the start of the supplemental personal illness leave, including any period designated as any other type of leave, the appointed teacher shall be deemed absent without leave and subject to the actions set forth in the Employee Discipline and Due Process Policy, as it exists now or as it may be hereafter amended.
5. *Pay During Personal Illness Leave.* Supplemental personal illness leave shall be unpaid unless the appointed teacher is otherwise eligible to use accrued benefit time during that leave in accordance with applicable Board Rules or Policies.
6. *Seniority/Breaks in Service.* An appointed teacher's seniority date shall be adjusted for each day of a supplemental personal illness leave that exceeds ten (10) work months. The probationary period of any appointed teacher shall be extended by the length of the supplemental personal illness leave, if the leave exceeds thirty (30) calendar days.

C. Appointed Teachers' Supplemental Family Illness Leaves

1. *Eligibility for Leave.* An appointed teacher who is eligible for family and medical leave of absence under the Board's Family and Medical Leave Policy shall be eligible for a supplemental family illness leave.
2. *Duration of Leave.* A supplemental family illness leave shall not exceed five (5) work months within in any two (2) consecutive school years, inclusive of any other leave for family illness granted under this Policy. This provision shall not be applied inconsistently with this Policy or with the Board's FMLA policy.
3. *Termination of Leave.* A supplemental family illness leave shall terminate at the conclusion of the leave period granted or at the conclusion of five (5) work months after the start of the leave, including any period designated as any other type of leave.
4. *Appointed Teachers' Rights to Position on Termination of Family Illness Leave.* An appointed teacher's position shall be held open for a period of up to five (5) work months from the start of the family illness leave, including any portion of the family illness leave designated as any other leave under this Policy, provided that nothing in this Policy shall prevent the closure of an appointed teacher's position or non-renewal of the probationary appointed teacher's employment if those actions would have occurred regardless of the leave.
5. *Failure to Return After Five (5) Work Months.* An appointed teacher who fails to return to work at the termination of a family illness leave shall be deemed absent without leave and subject to the actions set forth in the Employee Discipline and Due Process Policy, as it exists now or as it may be hereafter amended.
6. *Pay During Family Illness Leave.* Family illness leave shall be unpaid unless the appointed teacher is otherwise eligible to use accrued benefit time during that leave in accordance with applicable Board Rules or Policies.
7. *Seniority/Breaks in Service.* An appointed teacher's seniority date shall be not be affected by a supplemental family illness leave provided that the appointed teacher returns to work at the conclusion of the leave. The probationary period of any appointed teacher shall be extended by the length of the supplemental family illness leave, if the leave exceeds thirty (30) calendar days.

VII. Temporarily Assigned Teachers – Supplemental Illness Leaves - Eligibility, Seniority, Pay and Duration.

A. Temporarily Assigned Teachers' Supplemental Personal Illness Leave

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VIII. Educational Support Personnel, Principals, Assistant Principals, and Certificated Administrators– Supplemental Illness Leaves – Eligibility, Duration, Pay and Seniority.

A. Supplemental Childrearing and Family Illness Leaves

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