

General Personnel

Temporary Illness or Temporary Incapacity

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will be deducted from the District's compensation liability to the employee. The School Board's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of their gross salary.

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

After 90 consecutive work days in a school term of illness, incapacity or any other condition, and after exhaustion of all available leave, such illness or incapacity shall be considered a permanent disability and the Board may begin dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Superintendent may recommend this paragraph's use when circumstances strongly suggest that the employee returned to work intermittently in order to avoid this paragraph's application. Any employee may be required to have an examination, at the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervisor to perform health examinations if the examination is job-related and consistent with business necessity.

Unpaid Disability Leave

The Board of Education in its sole discretion may grant an employee of the District a leave of absence, without pay or other benefits, for personal illness or quarantine, as interpreted under Section 24-6 of The School Code of Illinois. Such leave shall not commence until the employee has exhausted all accumulated sick leave and is no longer deemed to be on an unpaid leave of absence for temporary illness or incapacity. The leave shall be limited to a reasonable duration, but in no event shall an unpaid leave exceed the balance of the school term in which it commences. Requests for an unpaid leave of absence must be accompanied by a physician's statement as to the nature and extent of the illness or incapacity and estimated duration necessary for recovery.

An employee granted an unpaid leave of absence hereunder shall not be entitled to any fringe benefits, but may continue to participate in the district medical insurance plan at the employee rate, upon timely advance payment to the School Business Office of all premiums due, during the time of the disability leave. The employee may participate in employee medical insurance program during the summer months, provided the unpaid disability leave includes the period of time school is not in session, on the same basis as persons who are on medical leave or for staff who are leaving the district. No later than 30 calendar days prior to the scheduled termination of any leave in excess of 90 calendar days, the employee shall notify the Superintendent or designee in writing of the employee's intention to return to employment. Failure to provide such notification shall be deemed a submission of resignation from employment in the District.

Notwithstanding the general conditions set forth above, the Board retains the sole discretion to grant or extend any unpaid leave of absence under any conditions it deems appropriate. The granting or denying of an unpaid leave or extension shall be non-precedental with respect to any other request for a leave by an employee in the district.

Nothing contained in this Unpaid Disability Leave policy shall be interpreted in any way to violate the Family and Medical Leave Act (FMLA). Leaves granted pursuant to these provisions shall be coordinated with the FMLA leave to the extent allowable by law.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12102.
105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.
Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965).
School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987).

CROSS REF.: 5:30 (Hiring Process and Criteria), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: December 11, 2002

REVISED: January 7, 2004

REVISED: December 7, 2005

REVISED: December 12, 2007