

SCHOOL DISTRICT U-46
ELGIN, ILLINOIS

Board Personnel/Staff Relations Committee Meeting
Policy Review
December 17, 2018

The Personnel/Staff Relations Committee of the Board of Education met at the Educational Services Center, 355 East Chicago Street, Elgin, Illinois. Board Members in attendance were Phil Costello, John Devereux, Melissa Owens and Jeanette Ward, Also in attendance was Tony Sanders, Chief Executive Officer, Miguel Rodriguez, Chief Legal Officer, Steve Burger, Assistant Superintendent for Elementary Schools Instruction and Equity, Josh Carpenter, Assistant Superintendent for Teaching and Learning, Ann Chan, Assistant Superintendent of Human Resources, Luis Rodriguez, Assistant Attorney, Ushma Shah, Assistant Superintendent for Elementary Schools Instruction and Equity, Tina Rio, U-46 Board of Education Candidate and Ina Silva-Sobolewski, U-46 Board of Education Candidate.

1. Open Meeting and Introduction

Mr. Costello opened the meeting at 4:10 p.m. and those present stated their names.

2. Discussion of Board Policy #5 – Personnel/Staff Relations

Dr. King proceeded to go through the policies, which had changes as follows:

5.001 – Personnel Goals. The change adds cross-reference language to the Board’s Equity Policy (2.250). Mr. Costello asked if the goals list how candidates are rated. Mr. Costello stated it mentions diversity and does not state competency or most qualified candidate in the first sentence. Luis Rodriguez confirmed competency is mentioned in the paragraph directly below the reference to diversity. Mr. Sanders asked whether the consensus would be to have the language revised to state the district must employ a qualified, diverse and dynamic staff. All agreed to Mr. Sanders’ suggested revision.

5.010 – Equal Employment Opportunity. The change adds language to make protected class verbiage consistent among all Board policies. Mrs. Ward asked if gender identification is required language. Luis Rodriguez responded by stating in Section 2 this language was already approved by the Board and to keep the policies consistent it was also added to this policy.

5.011 – Nondiscrimination. The change adds language to make protected class language verbiage consistent among the Board’s policies and rephrases language in the last paragraph regarding the Chief Legal Officer’s role as the Title IX compliance officer. In response to Mrs. Ward, Luis Rodriguez stated color was added to the list to keep policies consistent. Mrs. Ward asked if color and race were the same thing. Miguel Rodriguez stated not necessarily.

Melissa Owens, Board Member, joined the meeting at 4:14 p.m.

5.014 – Nepotism. The proposed changes define all the relatives and relations covered within the context of employment at the District and also provide a clear definition of a Supervisor. In response to Mrs. Ward and Mr. Devereux, Miguel Rodriguez confirmed two relatives could work together reporting to the same Supervisor. All were in agreement with the proposed changes.

5.015 – Recruitment and Hiring of Minority Personnel. The change adds cross-reference language to the Board’s Equity Policy (2.250). All were in agreement with the proposed changes.

5.020 – Workplace anti-Harassment Policy. The change adds language to make protected class language verbiage consistent among the Board’s policies and also establishes a 300 day calendar period in which employees may file complaints of discrimination, sexual harassment or of retaliation. In response to Mrs. Ward, Miguel Rodriguez stated each harassment case is very specific to the facts of that particular case and what the actual conduct was. Mrs. Ward stated her concern with that of a teacher that does not want to refer to a gender dysphoric teacher with the gender they prefer and if that would be considered harassment. Luis Rodriguez responded it would depend on the specific facts of each individual case. Luis Rodriguez stated he would review the case that Mrs. Ward sent and will follow-up with any additional revisions to policy 5.020. There will be a memo issued addressing Mrs. Ward’s concerns and the remaining policies will move forward for the full Board to discuss.

5.030 – Licensed Staff Hiring. The change adds language clarifying the legal authority of the provisions and also allows for administration to ask for an employee to validate their possession of an advanced degree. All were in agreement with the proposed changes.

5.031 – Licensed Staff Recruiting/Posting of Vacancies. The change references removing “certificated” and replacing with “licensed” throughout the policy as well as cross-referencing the Board’s Equity Policy. In response to Mrs. Ward, Miguel Rodriguez confirmed the reason for the change from “certificated” to “licensed” was due to the change in law changing the verbiage as licensed and certificate means the same thing. All were in agreement with the proposed changes.

5.032 – Part Time and Substitute Licensed Staff Employment. The change removed “certified” language and replaces with “licensed” language. All were in agreement with the proposed changes.

5.035 – Support Staff Recruiting/Posting of Vacancies/Hiring. The changes add Chief Executive Officer, add language requiring the completion of the I-9, adds language ensuring the District does not engage in any investigation or inquiry and also requires new employees to furnish evidence of physical fitness and freedom from communicable diseases. Tony Sanders stated the District does not currently require consumer reporting from any employee classification. Luis Rodriguez confirmed that is correct. Mr. Ward asked if this prohibits the district from looking at publically available networking sites. Luis Rodriguez stated that is not prohibited.

5.036 – Support Staff Probation and Tenure. The change clarifies the probationary period for support staff for both union and non-union. All were in agreement with the proposed changes.

5.040 – Communicable and Chronic Infections Disease. The change adds Chief Executive Officer as necessary and adds language that allows the policy to remain consistent with the law. All were in agreement with the proposed changes.

5.050 – Drug and Alcohol Free Workplace. The change adds Chief Executive Officer as necessary. All were in agreement with the proposed changes.

5.052 – Alcohol and Drug Use by and Testing of School Bus Drivers and Other Employees Required to Hold a Commercial Driver’s License. The change adds Chief Executive Officer as necessary. All were in agreement with the proposed changes.

5.080 – Staff Participation in Community Activities. The change adds Chief Executive Officer as necessary. All were in agreement with the proposed changes.

5.090 – Child Abuse and Neglect. The change adds language which clarifies an employee’s duties when they are in possession of any images related to child pornography, abuse or neglect. All were in agreement with the proposed changes.

5.091 – Firearm Notification and Reporting Policy. The changes add Chief Executive Officer as necessary and cross-references Board Policy 5.060. All were in agreement with the proposed changes.

5.100 – Licensed Staff Orientation. The changes add Chief Executive Officer as necessary and replaces “Certificated” with “Licensed”. All were in agreement with the proposed changes.

5.105 – Licensed Staff Consulting Activities. The changes add Chief Executive Officer as necessary and replaces “Certificated” with “Licensed”. All were in agreement with the proposed changes.

5.107 – Tutoring for Pay. The change adds Chief Executive Officer as necessary. All were in agreement with the proposed change.

5.108 – Home/Hospital Tutoring. The change adds Chief Executive Officer as necessary. All were in agreement with the proposed change.

5.120 – Staff Conflict of Interest and Ethics. The changes add Chief Executive Officer and requires staff members to obtain written consent from the Chief Executive Officer prior to acting as an agent of the District. All were in agreement with the proposed change.

5.125 – Personal Technology and Social Media; Usage and Conduct. The changes include language to bring the policy verbiage up-to-date. Mr. Devereux requested Instagram and

Snapchat be included on the list. Miguel Rodriguez stated Instagram will be added. All were in agreement with the proposed change.

5.140 – Solicitations By or From Staff. This new policy is recommended and requires staff members to obtain approval before using their affiliation to the District as a means to raise funds, and to ensure notification to the Board when appropriate. All were in agreement with the proposed change.

5.151 - Personnel Records. Adds “Chief Executive Officer” as necessary, references biometric information as required by law and allows for flexibility at the Board level in the event the law changes before the next policy revision cycle. All were in agreement with the proposed change.

Ushma Shah joined the meeting at 4:41 p.m.

5.170 - Copyright. Adds “Chief Executive Officer” as necessary. All were in agreement with the proposed change.

5.180 - Staff Health and Safety. Cross references Board Policies 5.030 (Licensed Staff Hiring) and 5.035 (Support Staff Recruiting/Posting of Vacancies/Hiring). All were in agreement with the proposed change.

5.185 - Staff Protection. The proposed change adds indemnification language directly from the Illinois School Code. In response to Mrs. Ward, the language that is being recommended comes directly from the statute. All were in agreement with the proposed change.

5.190 - Licensed Staff Positions. The proposed changes replace “Certificated” with “Licensed” throughout the policy, including the title. All were in agreement with the proposed change.

5.200 - Licensed Staff Compensation Plans. The proposed changes replace “Certificated” with “Licensed” throughout the policy, including the title. All were in agreement with the proposed change.

5.201 - Licensed Staff Fringe Benefits. The proposed changes replace “Certificated” with “Licensed” throughout the policy, including the title. All were in agreement with the proposed change.

5.203 - Teacher Assignments and Transfers. The proposed changes amend the policy to make protected class verbiage consistent with the Board’s policies. All were in agreement with the proposed change.

5.206 - Reduction in Licensed Staff Work Force. The proposed changes replace “Certificated” with “Licensed” throughout the policy, including the title. All were in agreement with the proposed change.

5.207 - Evaluation of Licensed Staff Teachers. The proposed change replaces “Certificated” with “Licensed” in the title. All were in agreement with the proposed change.

5.208 - Licensed Staff Meetings. The proposed change replaces “Certificated” with “Licensed” in the title. All were in agreement with the proposed change.

5.209 - Non-School Employment by Staff Members. The proposed change removes “certificated” from the title, broadening the scope of the policy to all staff. All were in agreement with the proposed change.

5.210 - Resignation of Licensed Staff Members. The proposed changes replace “Certificated” with “Licensed” throughout the policy, including the title and adds “Chief Executive Officer” as necessary. In response to Mr. Costello, Tony Sanders stated the Regional Office can be asked to hold back an employee’s license although it happens rarely. All were in agreement with the proposed change.

5.212 - Suspension and Dismissal of Certificated Staff Members. The proposed changes replace “certificated” with “licensed” throughout the policy and the policy title. All were in agreement with the proposed change.

5.230 - Supervision and Discipline of Students. The proposed change ensures compliance with recent updates to state law requiring school staff to exhaust non-exclusionary forms of intervention prior to excluding students from the academic setting. All were in agreement with the proposed change.

5.250 - Leaves and Absences. The proposed change removes “certificated” from the title, improves verbiage and adds “Chief Executive Officer” as necessary. All were in agreement with the proposed change.

5.251 - Licensed Staff Leaves and Absences. The proposed changes replace “Certificated” with “Licensed” throughout the policy, including the title and add “Chief Executive Officer” as necessary. All were in agreement with the proposed change.

5.252 Licensed Staff Long-Term Leaves and Absences. The proposed change replaces “Certificated” with “Licensed” in the title. All were in agreement with the proposed change.

5.253 - Administrative Staff Vacations and Holidays. The proposed edits remove outdated vacation benefit language and add “Chief Executive Officer” as necessary. All were in agreement with the proposed change.

5.271 - Support Staff Positions. The proposed edits add “Chief Executive Officer” as necessary. All were in agreement with the proposed change.

5.275 - Support Staff Contracts and Compensation Plans. The proposed edit replaces “certificated” with “licensed.” All were in agreement with the proposed change.

5.290 - Suspension and Dismissal of Support Staff Members. The proposed changes set a cap on the number of days support staff can be suspended and add “Chief Executive Officer” as necessary. In response to Mrs. Ward, Miguel Rodriguez stated the 30-day limit for suspensions

is industry standard and anything longer than that could potentially cause problems with the EEOC. All were in agreement with the proposed change.

5.293 - Retirement of Support Staff Members. The proposed edits add “Chief Executive Officer” as necessary. All were in agreement with the proposed change.

5.300 - Support Staff Assignment and Transfers. The proposed edits add “Chief Executive Officer” as necessary. All were in agreement with the proposed change.

5.335 - Appropriate Use of Technology. Adds cross reference to Board Policy 5.125 – Personal Technology and Social Media; Usage and Conduct. All were in agreement with the proposed change.

5.340 - Employee Expenses. The recommended changes align with existing expense reimbursement practices, including those for travel, food and other work related expenses by staff. They also add “Chief Executive Officer” as necessary. All were in agreement with the proposed change.

5.345 - Volunteers. The proposed changes add “Chief Executive Officer” as necessary, as well as exempt current Police Officers and Firemen that have already undergone a criminal background investigation, from having to undergo the District’s criminal background investigation before volunteering for District programs. The amendments also describe what the District’s criminal background investigation entails. All were in agreement with the proposed change.

3. Adjournment

Motion by Mrs. Ward, second by Ms. Owens to adjourn the Section 5 Committee Meeting of December 17,2018, at 4:57 p.m. All were in favor.

Approved this 14th day of January, 2019

/s/ Donna Smith //

President

/s/ Miguel A. Rodriguez //

Secretary