

## General Personnel

### Temporary Illness or Temporary Incapacity

Temporary illness or temporary incapacity is an illness or other capacity of ill-being which temporarily 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 100 percent of the employee's gross salary. Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

If illness, incapacity, or any other condition causes an employee to be absent over the course of any school year, for more than 30 school days in excess of all available leave, such illness or incapacity may be considered a permanent disability and the School Board may undertake dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act and the Family and Medical Leave Act.

For purposes of this paragraph "available leave" means:

- 1) sick leave as prescribed by law or available under the terms of a collective bargaining agreement,
- 2) leave of absence approved by the School Board, or
- 3) other leave approved by statute or collective bargaining agreement, including the Family and Medical Leave Act.

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, licensed advanced practice registered nurse, or a physician assistant.

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 District No. 127 ½ Cook County, 208 N.E. 2d 423 (Ill.App.I, 1965)  
School District No. 151 v. ISBE, 507 N.E. 2d 134 (111.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)

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Adopted by the Board of Education August 2003  
Revised and Adopted April 2006, June 2016, October 2019