



Illinois Municipal Retirement Fund

100 South Wacker Drive Chicago, IL 60606 312/346-6722

SPECIAL MEMORANDUM

NUMBER: 196
DATE: March 28, 1990

TO: Authorized Agents of School Districts, Special Education Districts,
Special Educational Cooperatives, Vocational Educational Cooperatives,
Educational Service Centers and Educational Service Regions

SUBJECT: Paid Sick Leave

I. Introduction

Public Act 86-838 was effective January 1, 1990. It amends section 24-6 of the Illinois School Code (Ill. Rev. Stat., Ch. 102, Par. 24.6). That section now requires you to grant all employees eligible to participate in the Illinois Municipal Retirement Fund at least 10 days of sick leave at full pay in each school year. Each employer can determine the maximum number of sick days an IMRF member can accumulate. However, the maximum cannot be less than 180 days.

II. Remedial Purpose

It is IMRF's understanding that the amendment was not intended to change the law, but rather to clarify its application. In the past, some employers granted sick leave days only to full-time employees while others granted the days to every employee. This amendment was passed to reconcile the differing positions.

III. IMRF Interpretation

In our opinion, employers subject to the Illinois School Code were required to grant all IMRF participants 10 days of sick leave on January 1, 1990. This opinion is based on:

- (1) the understanding the legislation had a remedial purpose;
- (2) the fact no provision was made to prorate the days during this school year; and
- (3) the requirement that 10 days be granted in each school year.

In our opinion, "full pay" means the pay a person normally receives on the day he/she was absent. For example, assume an employee normally works three hours per day Monday through Thursday, and seven hours on Friday. If he/she is absent on Thursday and Friday, "full pay" means paying three hours of sick pay for Thursday's absence and seven hours pay for Friday's absence.



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IV. Personnel Policies/Collectively Bargained Contract

If your written personnel policies or a contract bargained with your employees has a different sick leave policy, the requirements of the Illinois School Code take precedence. Thus, this amendment applies effective January 1, 1990, to your IMRF participants irrespective of any policy or contract you have. You may wish to revise any policy or amend any contract you have which is inconsistent with the Illinois School Code.

If you have any further questions, you can call your Regional Superintendent of Schools.

Sincerely,

A handwritten signature in black ink that reads "Robert L. Cusma". The signature is written in a cursive, flowing style.

Robert L. Cusma
Executive Director

RLC/bb