

Update on Law and University Policy Changes Impacting Employees

Employee Relations and Human Resources

March 2014

Concealed Carry Act

Public Act 98-63

430 ILCS 66 (July 09, 2013)

University of Illinois Concealed Carry Workgroup

To ensure preparation and implementation concerning the impact of the Firearms Concealed Carry Act as related to our campus and community....

- UIPD
- Chancellor's Office
- Provost Office
- Legal Counsel
- Human Resources
- Facilities
- Dean of Students
- Judicial Affairs
- Counseling Center
- Public Affairs

Definition – Concealed Firearm

The Act defines a “Concealed Firearm” as a loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle.

Unlawful Use of Weapons

The Act does not change the current UUW statute (720 ILCS 5/24-1). It is not legal for felons to possess weapons. It is not legal for a current FOID card holders to carry concealed weapon without a Concealed Carry License.

Prohibited Areas

- Building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property and any real property, including parking areas, sidewalks and common areas **under the control of a public or private community college, college or university.**
- Pre-school or child care facility.
- Property issued a Special Event Retailer's license under the Liquor Control Act.

Prohibited Areas

- Unit or local government buildings.
- Public or private hospital, hospital affiliate, nursing home or mental health facility.
- Bus, train or transport (paid with public funds) and property
- Property issued a Special Event Retailer's license under the Liquor Control Act.
- Athletic area or athletic facility under the control of a municipality or park district.

Prohibited Areas

- Building, real property or parking area of establishments that serve alcohol, if more than 50% of the gross receipts in the past three months are from alcohol sales.
- Any stadium, arena or real property or parking area under the control of any stadium, arena, **collegiate** or professional sporting event.
- Area(s) prohibited under federal law.

Private Property Owners

The owner of private real property may prohibit carrying concealed handgun on the property under their control, if the property is a private residence OR if the correct signage is posted.

However, a licensee may still carry a concealed handgun within a vehicle into the parking areas of such property and store a handgun or ammunition concealed in a case within a locked vehicle or in a locked container out of plain view.



University may...

- Prohibit carry within a vehicle owned, leased, or controlled by the university;
- Develop resolutions, regulations or policies regarding student, employee or visitor misconduct and discipline, including suspension and expulsion;
- Designate areas where persons can park vehicles that carry firearms;
- Permit for the purpose of instruction and curriculum of officially recognized programs, including but not limited to military science and law enforcement training programs, or in any designated area used for hunting purposes or target shooting.

“Clear and Present Danger”

It is the duty of a school administrator to report to the Department of State Police when a student/person is determined to pose a clear and present danger to themselves, or to others, within 24 hours of the determination. “Clear and present danger” has the meaning prescribed to in in Section 1.1 of the Firearm Owners Identification Card Act.

- Private elementary or secondary school; public or private community college, college or university = Chief Administrative Officer (or designee)



Illinois State Police

- Concealed Carry Act FAQ -

<http://www.campusrec.illinois.edu/Smoke-Free/faq.html>

<http://www.isp.state.il.us/firearms/ccw/ccw-faq.cfm>



For Questions:

Contact University Police

Urbana: 217-244-4874

Chicago: 312-996-2830

Springfield: 217-206-6690



UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD
UNIVERSITY HUMAN RESOURCES



UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD
UNIVERSITY HUMAN RESOURCES

Smoke-Free Campus



breathe **clean** illinois
change is in the air

The Policy

As of January 1, 2014, *Smoking is prohibited* on all *Campus Property* at the University of Illinois at Urbana–Champaign, both *indoors and outdoors*, in *university-owned vehicles*, and in *privately-owned vehicles parked on Campus Property*.



The Reason

- Create a healthy living, learning and work environment for students, faculty and staff.
- Protect the entire campus community from involuntary exposure to secondhand smoke
 - *Secondhand smoke is a Class A carcinogen*
 - *No safe level of exposure*

breathe healthy illinois
change is in the air

Additional Smoke-Free Benefits

- Offer a supportive setting for those trying to reduce or quit tobacco use.
- *Create a cleaner, more beautiful campus.*
- Protect the environment from tobacco-related litter.
- *Prevent young people becoming addicted*



Smoke-Free Campus

What is Smoking?

- Lighting or burning any type of matter or substance that contains tobacco
- Including but not limited to
 - cigarettes, cigars, cigarillos, pipes, beedies, kreteks, water pipes, bongos, and hookahs
- Lighting or burning of non-tobacco plants or marijuana
- Using electronic cigarettes



What is Campus Property?

Any property owned, leased, occupied, operated or otherwise controlled by the University of Illinois, including, but not limited to,

- academic and auxiliary buildings
- classrooms
- laboratories
- residences
- residence halls
- elevators
- stairwells
- restrooms
- roofs
- meeting rooms
- hallways
- lobbies & other common areas
- hotel rooms and conference facilities
- athletic complexes & facilities
- exterior open spaces
- shuttle buses & stops
- university-owned parking garages & lots
- driveways
- loading docks
- university-owned streets, sidewalks and walkways



Cessation Resources

Employees: Wellness Centers

- Freedom From Smoking
- Illinois Tobacco Quitline
- Smoke-Free TXT
- Insurance programs
- Smokefree.gov
- State benefits
- FSAP
- Walk-in consult
- Quit Kits

Students: McKinley Health Center

- Clinical programs
 - “Quit for the Money”
 - “Pay as You Go”
- Behavioral programs
 - “Simply Education”
- Illinois Quitline
- Smoke-Free TXT

More info in the go to your campus – Smoke-Free Campus website

Urbana NRT Sales Locations

ARC
CRCE
Ice Arena
Illini Union
57 North
ISR Chomps
Penn Station
State Farm Ctr.



Other Resources

- Smoke-free campus website
- Smoke-free campus map
- Policy cards
- Fact sheets
- Info meetings
- Employee Relations & HR
- Faculty Staff Assistance Program



What if an Employee Violates the Smoke-free Policy?

- They may be approached by smoke-free ambassadors or campus community members
- People may report the violation
 - To you directly
 - To the report form on the smoke-free campus website
- Supervisors are expected to address employees who repeatedly violate the policy
 - clarify the policy
 - resources referral (Smoke Free website, cessation, FSAP)
 - work with the employee to ensure compliance
- Repeated or serious non-compliance may be subject to existing campus disciplinary procedures.

For Employees not Ready to Quit

- The campus does not require that anyone quit smoking, but in order to provide a healthy living, learning working environment with clean air for all, we have decided to go smoke-free.
- Use FDA approved over-the-counter nicotine/tobacco replacements.
 - Many are the same price or less than cigarettes themselves.
 - Several locations on campus will sell NRT gum or lozenges.
 - E-Cigarette use will not be allowed on campus (not FDA approved).
- Plan for and manage craving cycles.
- Make a plan for coping while on campus.





Smoke-Free Campus



Visit the smoke-free campus website
for more information

Urbana: <http://go.illinois.edu/smokefree>

Chicago: <http://www.tobaccofree.uic.edu>

breathe **healthy** illinois
change is in the air

Family and Medical Leave

Policy Changes

November 14 and 21, 2013

Federal Family and Medical Leave Act

Changes effective March 8, 2013

- Revised definition of a covered veteran
- Extension of qualifying exigency leave to eligible employees who are family members of the Regular Armed Forces and adding the requirement for all military members to be deployed to a foreign country in order to be on “covered active duty” under FMLA
- Increased amount of time an employee may take qualifying exigency leave related to the military member’s Rest and Recuperation leave
- Creation of an additional qualifying exigency leave category for parental care leave

University Family and Medical Leave Policy and Policy and Rules for Civil Service Staff

Changes effective November 14 and 21, 2013

- Included Regular Armed Forces in definition of a covered service member.
- Included definition of covered active duty.
- Updated definition of a “spouse” to include those recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage and same sex marriage.

Changes continued...

- Updated definition of “in loco parentis”.
- Updated definition of “serious health condition” to specify that it applies to an employee who is unable to work at all or is unable to perform any one of the essential functions of the position.
- Updated definition of “serious injury or illness for a covered veteran” to match Federal law.
- Specified for Qualifying Exigency leave that an employee may take up to 15 calendar days of leave to spend time with a service member on rest and recuperation.
- Clarified that “intermittent leave” may be taken in separate blocks of time or any part of a single day due to a qualifying reason.

Form Updates

- Employee Rights and Responsibilities under the Family and Medical Leave Act (FMLA Application)
- Certification for Serious Injury or Illness of Covered Service member for Military Family Leave
- Certification of Qualifying Exigency for Military Family Leave

FMLA Policy and Forms can be found at:

https://nessie.uihr.uillinois.edu/cf/index.cfm?Item_id=1288&rlink=1194

Employment of UI Retirees and Other State Universities Retirement System Annuitants “Return to Work”

Legislative Changes
November 19, 2013

Policy Changes
July 25, 2013

Public Act 97-0968 – Return to Work

Effective August 1, 2013

Public Act 98-0596 – University of Illinois School of Labor and Employment Relations Act

Effective November 19, 2013

August 1, 2013 – Public Act 97-0968

- New limits on re-hiring employees who have retired from the University or hiring someone who is receiving an annuity from the State University's Retirement System (SURS).
 - Positions in all employee groups are covered – faculty, clinical/research professional, academic professional, civil service, extra help, and all other temporary, part-time or seasonal positions.
 - All SURS annuitants are covered – employees who retired from the University or from any other employer participating in SURS (65 total).
 - All appointments require prior approval by the appropriate campus or central administrator; approval may be withheld if financial penalties will be incurred.
 - Each employing unit is responsible for all costs, additional SURS contributions, and penalties associated with exceeding the limit on earnings.

August 1, 2013

- When a SURS annuitant is employed in a position that earns more than 40 percent of his/her highest annual rate of earnings earned prior to retirement, and the annuitant works more than 18 weeks, the individual will become an “affected annuitant”.
- If the University continues to employ an “affected annuitant” beyond the current academic month, the University is required to make an additional SURS contribution equal to the retiree’s annual annuity.
 - These limits are coordinated when a SURS annuitant works for more than one university or college.
 - The fee is waived when the position is funded by federal, trust, foundation, or corporate funds, or by a state grant that names a principal investigator.

November 19, 2013 – Public Act 98-0596

- Eliminates the 18-weeks of work limitation for SURS annuitants.
- Provides an exemption from the Return to Work provisions for status Civil Service employees who are SURS annuitants. Although current and future status civil service appointments are exempt from the provisions of the Return to Work Act, campus procedures (i.e. Retiree Rehire Form) for receiving approval to fill the position with a SURS annuitant must still be followed.
- Institutes a common academic year (September 1 – August 31) for all SURS covered employers for Return to Work tracking purposes.

UA Retiree Appointments

- Should be used sparingly and only to fill a temporary gap in skills and/or resources.
- Cannot be appointed beyond the current Academic year.
- Should not be paid a salary higher than the 40% threshold (ER/HR will advise on the limitation specific for that employee).
- May be appointed into civil service status appointments, extra help (clerical, technical or professional), Visiting Academic Professional positions, or lump sum payments.

UA Process for Hiring Retirees

- Contact Denise Swenson in ER/HR at ddswenso@uillinois.edu or 217-265-5214
- Denise initiates the UA Retiree Rehire form in HireTouch and routes to the unit.
- Once Retiree Rehire form is approved at all levels, ER/HR processes the appointment and on-boards the employee.

University of Illinois Policy: Protection of Minors - ANCRA

“ANCRA” stands for the “Abused and Neglected Child Reporting Act”. It is an Illinois law that requires certain individuals to report to the Illinois Department of Children and Family Services if they suspect child abuse or neglect.

Duty to Report

- “Abused and Neglected Child Reporting Act” of Illinois, mandates that University personnel must immediately report cases of suspected child abuse or neglect of minors (children under the age of 18) directly to the Department of Children and Family Services (DCFS) as soon as abuse or neglect is suspected.
- The duty to report under Illinois law applies to the suspected abuse or neglect of any individual under the age of 18 who is known to the employee, volunteer, or other designated individuals in his or her professional or official capacity.
- If an employee suspects abuse or neglect of a minor then they must call DCFS at 1-800-25-ABUSE. They must also contact University police.

Duty to Complete Education and Acknowledgement

- Employees, Volunteers and Contractors of the University of Illinois must take the University of Illinois education program “Child Abuse and Neglect Reporting Requirements for Personnel” and sign the Department of Children and Family Services (DCFS) Acknowledgement of Understanding.
- Most employees completed their education requirement and signed the acknowledgement of understanding during the Spring or Summer of 2013. Employees new to the University will complete the education program and sign the acknowledgement in Nessie New Hire.

Duty to Complete Education and Acknowledgement Continued

- Departments do not need to collect acknowledgement forms for employees. University Human Resources is collecting and will retain these forms. However, departments must identify volunteers and contractors in their units and provide them with the education material. Please contact ERHR for education materials or to verify employee completion of the training.
- University policy and Illinois law requires only an initial acknowledgement. We do expect the mandatory education program to be included in future training programs or to be included in annual reminders just to keep the topic fresh in employees' minds.

Duty to Submit to Background Checks and Program Safeguards

- All Members of the University Community who are responsible for the supervision or care of children, or whose duties would require close contact and/or alone time with minors who are not enrolled or accepted for enrollment at the University, must undergo a criminal background check and sex offender registry check in accordance with campus procedures. Campuses may require checks from other individuals as deemed appropriate.
- Each campus must maintain a current report of University activities and programs designed for minors not enrolled or accepted for enrollment at the University. Each campus should document minimum standards or safeguards for appropriate levels of supervision for programs and activities, including guidelines for overnight stays.

Patient Protection and Affordable Care Act (PPACA)

PPACA Provisions

Individual Mandate: January 1, 2014 – Nearly all individuals above the tax filing threshold must have health insurance coverage.

Employer Mandate: January 1, 2015 - Large employers must offer minimum essential coverage to substantially all full-time employees and their dependents.

- Large Employer = 50 or more FTE
- Dependents = Children (does not include spouse)
- Full-Time Employee = Works 30 hours/week or more
- Substantially All = At least 70% (2015) ; 95% all subsequent years

Employee Definitions

Full-time Employee: If reasonably expected to average at least 30 hours per week at the time of hire, the employee must automatically be treated as full-time and offered group health coverage within three months of hire.

Variable Hour Employee: An employee who the employer cannot reasonably determine will average at least 30 hours per week at the time of hire. A Measurement Period is implemented to make this determination.

Educational Employees: Special rules apply to employees of educational institutions – cannot be penalized for break periods not normally worked (i.e., summer) when determining full-time status.

Student Employees: Student Insurance satisfies a student's individual mandate, but does not satisfy the University's obligation to offer coverage as an employee if the student works 30 hrs/week or more.

Monitoring and Tracking Hours

- Determining Full-Time status for Variable Hour Employees:
 - Initial measurement period: Not less than 3 or more than 12 months, used to measure a **newly hired** variable employee.
 - Standard measurement period: Annual period of not less than 3 or more than 12 months, used to measure **ongoing** variable employees. (*CMS - 12 months*)
 - Administrative period: Limited period for making full-time determinations and offering/implementing coverage.
 - Stability period: Annual period (not less than the corresponding measurement period) during which the employer must offer coverage, regardless of changes in hours. (*CMS – 12 months*)
 - Transition from new to ongoing: Once a new employee has completed an initial measurement period and been employed for a full standard measurement period, s/he must be tested for full-time status annually, regardless of whether s/he was full-time during the initial measurement period.

IRS Reporting Requirements

- Individuals: will likely begin reporting on 2014 income tax return whether or not they have coverage; reconciled with subsidy info from marketplace.
- Employers:
 - Report value of coverage on W-2 since January 2013.
 - Report full-time employees and whether they were eligible for coverage during each month, and whether coverage was affordable or met min value.
 - Provide statement to employees.
- All of above used in administering the subsidy, and the individual and employer shared responsibility mandates.

More to come...

- Education and preparation ongoing; feedback welcomed.
- Workgroup meeting regularly on preparation efforts.
- Federal activity being monitored.
- More info as it is available.

Questions?

