

POLICY 10 SICK LEAVE

University Policy

Employees in trainee, apprentice, learner, provisional, or status appointments will accrue sick leave without limit at the rate of .0462 hours for each hour, exclusive of overtime, that such employees are in pay status.

Accumulated sick leave may be used for illness of, injury to, or need to obtain medical or dental consultation for the employee, the employee's spouse, civil union partner, domestic partner, children, parents, siblings, grandchildren, and grandparents. "Children" include biological, adopted, foster, stepchildren, legal wards, or those children for which an employee is standing *in loco parentis*. "Parent" is defined as biological parent, stepparent, parent-in-law, or an individual who stood *in loco parentis* to the employee. Sick leave may also be used for the above reasons for a member of the employee's household. An employee may use sick leave for pregnancy. During the 12-month period immediately following the adoption or birth of a child, sick leave may be used for a period of time, not to exceed twelve weeks, to care for that child. The use of accrued sick leave for Family and Medical Leave purposes does not extend the 12-week Family and Medical Leave entitlement.

Sick leave earned before January 1, 1984, and on or after January 1, 1998, shall be noncompensable and shall be used in full before any compensable sick leave earned between January 1, 1984, and December 31, 1997, is used.

Accrued and non-compensated sick leave shall be restored for a former employee who separates from the University in good standing and returns to employment within two (2) years.

Section 14a of the State Finance Act (30 ILCS 105/14a) provides that employees eligible to participate in the State Universities Retirement System or the Federal Retirement System are eligible for compensation at time of resignation, retirement, death, or other termination of University employment for one-half (1/2) of the unused sick leave earned between January 1, 1984, and December 31, 1997. Alternatively, accumulated unused sick leave may be used to increase creditable service in accordance with the rules of the State Universities Retirement System (40 ILCS 5/15-113.4).

Executive Order 13706 requires certain employers who contract with the federal government to provide their employees with up to fifty-six (56) hours (seven workdays) of paid sick leave annually, including for family care and absences resulting from domestic violence, sexual assault and stalking. Accordingly, employees performing work on or in connection with a federal contract that is covered by Executive Order 13706 and who are not otherwise eligible for sick leave benefits will be paid sick leave benefits in accordance with the terms of that Executive Order. The Department of Labor has noted that federal grants are excluded from the coverage of

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Executive Order 13706, as well as employees who perform work in connection with covered contracts for less than twenty percent (20%) of their hours worked in a particular workweek. The University may limit the amount of paid sick leave employees may accrue under Executive Order 13706 to 56 hours each year, but must permit those employees to carry over accrued, unused sick leave from one year to the next. The University also may limit the amount of paid sick leave employees have accrued to 56 hours at any point in time. Employees entitled to sick leave under Executive Order 13706 may use that leave for an absence resulting from (1) physical or mental illness, injury or medical condition of the employee, (2) obtaining diagnosis, care, or preventative care from a health care provider by the employee, (3) caring for the medical needs of any other individual related by blood or affinity whose close association with the staff member is the equivalent of a family relationship, or (4) domestic violence, sexual assault, or stalking, if the absence is for the purposes of medical care, to obtain additional counseling, seek relocation, seek assistance from a victim services organization, take legal action, or to assist the staff member's child, parent, spouse, domestic partner, or any other individual related by blood or affinity whose close association with the staff member is the equivalent of a family relationship in engaging in any of those activities.

The President may issue rules for the administration of sick leave and provisions of the State Finance Act as the President determines to be in the interest of the University.

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Rule 10.01 - Sick Leave Usage and Approval

Employees must receive approval from their supervisors to charge absences against accumulated sick leave. An employee's supervisor may require the employee to provide evidence to substantiate the reason for the absence, including a physician's certification or FMLA medical certification, if applicable, if the absence exceeds three (3) consecutive work days or if the supervisor has sufficient justification to believe that the employee does not have a valid reason for requesting sick leave. An attendance record indicating a pattern of excessive use or previous abuse of sick leave is considered sufficient justification. An employee who requests or is on extended leave for illness, injury, or disability including pregnancy may be required to visit a designated health provider or provide a medical opinion acceptable to the University for the purpose of supporting the leave, its continuance, or the employee's ability to return to work. Accrued sick leave cannot be used for vacation purposes.

Regulations

10.011 Notification of Supervisor

An employee who finds it necessary to be absent shall notify the appropriate University supervisor or a designee before the employee's next scheduled work shift if possible, consistent with unit guidelines for such notification. When it is anticipated that the absence will be for more than one (1) day, the employee shall notify the supervisor of the anticipated length of the absence to allow time to reassign specific duties during the employee's absence. Failure to make this notification to the appropriate supervisor or designee may disallow the use of sick leave.

10.012 Use of Vacation and Personal Leave When Sick Leave Accrual Exhausted

Employees will be given the option of using any accumulated and unused vacation and personal leave in lieu of an approved absence without pay.

10.013 Consistency of Application of Policy

To insure consistent and uniform application of policy in granting sick leave, supervisors and employees are encouraged to seek advice from the appropriate human resources office staff.

10.014 Family and Medical Leave

When an employee is using sick leave benefits and the absence also qualifies under the Family and Medical Leave Act, the employee's leave will be charged against his/her FMLA entitlement. The amount of sick leave used for FMLA purposes shall be reported in one-tenth of an hour increments for non-exempt employees and quarter-hour increments for exempt employees. Upon exhaustion of sick leave, unpaid leave may be available for eligible employees under the Family and Medical Leave Act if the

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Rule 10.01 - Sick Leave Usage and Approval

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employee has not exceeded the annual entitlement. (See Rule 11.07, Family and Medical Leave for details about eligibility and benefits.)

10.015 Shared Benefits Program

Upon exhaustion of sick leave, employees who are enrolled in the Shared Benefits Program may be eligible for additional sick leave benefits (see Rule 10.02).

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Rule 10.02 - Shared Benefits Program/Sick Leave Bank

Under the Shared Benefits Program, a Sick Leave Bank is available to provide additional sick leave days for employees who have exhausted all accumulated sick leave and who have disability claims pending before the State Universities Retirement System.

To be eligible to receive leave from the pool, an employee must have donated at least one full day of accrued leave by voluntarily transferring leave time. Once leave has been donated to the sick leave pool, it cannot be restored to the donating employee. Employees may not designate a particular employee to receive their donated time.

Regulations

10.021 Participation Procedures

An employee may voluntarily transfer accrued leave benefit time to a pool within the university. The minimum amount of leave an employee may contribute is one (1) day, and donations must be in one- day increments (no partial days).

In order to establish participation in the pool the donating employee must have accrued enough leave days in order to retain a minimum balance of ten(10) days for personal use. Thus the donating employee must have accrued:

- 1) A minimum of eleven (11) days of sick leave; or if the employee does not have sufficient sick leave accrued;
- 2) At least eleven (11) days of a combination of vacation and sick leave; or
- 3) At least eleven (11) days of vacation.

Any employee who wishes to transfer a portion of vacation or sick leave must sign a statement indicating the number of days to be transferred. No transfer of funds will occur, but the contributing employee's leave balance will be reduced by the number of days contributed. Employees may contribute to the pool at any time.

10.022 Eligibility to Receive Leave

To be eligible to receive leave from the pool, an employee must have donated at least one full day of accrued leave to the pool, and have a disability claim pending before the State Universities Retirement System. In addition, the employee must:

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Rule 10.02 - Shared Benefits Program/Sick Leave Bank

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- 1) Have exhausted all accumulated sick leave if he or she participated in the pool by contributing sick leave only; or
- 2) Have exhausted all accumulated sick leave and vacation if he or she participated in the pool by using a combination of vacation and sick leave or vacation only.

Each campus may develop guidelines for the distribution of sick leave from the pool to those who apply.

Employees who use leave from the pool are not required to pay it back. Any balance of days approved but not required for the illness will remain the property of the sick leave pool. The estate of a deceased employee is not entitled to payment for unused pool leave. Any unused balance of pool leave in such an instance remains the property of the sick leave pool.

10.023 Procedures to Apply for Pool Leave

The employee or a designee may apply for pool leave within five (5) days of exhausting all accrued sick leave (or vacation leave, if applicable). The request must be in writing and submitted to the head of the campus human resources office, with justification (physician's statement) for the request, the estimated number of sick leave days needed from the pool, and information related to any pending disability claim. The physician's statement must include the beginning date of the condition, a description of the illness or injury, and a prognosis for recovery.

The campus human resources office will render a decision to the employee within five (5) working days after receipt of the application. The amount, if any, of pool leave granted for each request will be determined by the campus human resources office but cannot exceed one-third of the balance in the pool or a maximum of forty-five (45) working days, whichever is less. Sick leave days will be transferred on a ratio of one to one regardless of the hourly rate of pay for either party or if the person has a 37 1/2 hour, 40 hour, or any other work schedule. An employee may apply for leave from the pool only once per appointment year.

10.024 Appeal Procedure

In the event an employee applying for sick leave from the pool is denied benefits, the decision may be appealed to a committee of three people: the head of the campus

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Rule 10.02 - Shared Benefits Program/Sick Leave Bank

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human resources office or a designee, the campus Employee Staff Council chairperson or a designee, and a member of the University Employee Advisory Committee who represents the employee's campus. The committee will render a decision within five (5) working days from the date of the appeal.

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Rule 10.03 - Effect of Conditions of Employment on Sick Leave Accrual

Sick leave accrued will be reviewed and adjusted any time an employee's conditions of employment are changed in order to provide equal treatment for all employees in accordance with University policy.

Regulations

10.031 Adjustments for Workweeks of Different Lengths

When an employee moves to a workweek of a different length, such as to a thirty-seven and one-half (37 1/2) hour week from a forty (40) hour week, the employee's accrued sick leave will be converted from hours to days under the workweek schedule of the former class and the days then converted to hours under the new workweek schedule.

10.032 Part-Time Benefits Rate Limit

An employee with a part-time appointment may use accumulated sick leave for the reasons set forth in Policy 10 for absences during any workweek. The actual hours worked by the employee during the workweek plus the hours charged to sick leave cannot exceed the employee's benefit rate (percent time) multiplied by the full-time work schedule of the class. (See Policy 4, Work Schedules.)

10.033 Recomputation of Sick Leave While on Extended Disability

The amount of sick leave accumulated by an employee at the time a disability begins shall be available in full to use to extend the employee's percent time appointment. An employee continues to earn sick leave while using sick leave already accumulated. If, while on an extended disability absence, the employee exhausts accrued sick leave and reaches non-pay status, the employee's benefits shall be recomputed, and appropriate credit given for any sick leave earned while an employee has been using sick leave. The leave on leave recomputation will not be credited for less than one (1) full hour. The amount of sick leave charged may not exceed the accrued balance shown at the start of the leave period plus the amount the employee earned during the reporting period.

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Rule 10.04 - Computing Sick Leave Accrual for Compensatory Time and Make-up Time at Straight Time Rate

Make-up Time

Make-up time performed at the applicable straight time rate pursuant to Rule 6.07 will be regarded as pay status service for purposes of computing service credits and sick leave accrual. For example, if an employee is making up time for an excused, unpaid absence, the make-up time will be credited as pay status service for the purpose of computing service credits and sick leave accrual.

Compensatory Time Used in Lieu of Scheduled Work Hours

Any compensatory time off earned pursuant to Rule 6.02(C) used in lieu of regularly scheduled work hours will also be regarded as pay status service for purposes of computing accrual.

Example:

An employee worked a shift from 7:00 a.m. to 3:30 p.m. and was held over on the next shift from 3:30 p.m. to 11:30 p.m. and then took the regular shift off the next day for rest and compensatory time off purposes. The employee would be regarded as in pay status while on time off from the regular shift, and would earn service credits and sick leave accrual for those regular shift hours.

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Rule 10.05 - Transfer of Accrued Sick Leave/Academic to Civil Service and Vice Versa

Sick leave credit will be transferred when a staff member moves or when a staff member's position is changed from an academic appointment to a Civil Service appointment within the University and vice versa. All transfers of sick leave credit require the presentation of appropriate records verifying the sick leave accrued and unused prior to the transfer. If the Civil Service sick leave credit to be transferred exceeds the maximum amount of sick leave accrual permitted by academic policies, the total amount will be transferred but no further sick leave may be accrued.

Employees shall not be entitled to cash payouts for any accrued sick leave credits when transferring from academic to Civil Service positions or vice versa.

Regulation

10.051 Validation of Accrued Sick Leave Hours

The campus human resources staff will validate the number of accrued sick leave hours at the time of transfer from a Civil Service to an academic appointment.

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Rule 10.06 - Sick Leave Compensation Upon Termination

Upon termination of University employment, an eligible employee as defined by the State Finance Act (30 ILCS 105/1 *et seq.*) and in this policy may elect to be compensated for up to one-half of the amount of unused compensable sick leave earned between January 1, 1984, and December 31, 1997. Such payout will be at the employee's current regular rate at the time of termination. The employee may elect to have the sick leave accrual remaining after payment reported to the State Universities Retirement System for service credit in accordance with the rules of the State Universities Retirement System. If an employee does not elect to receive a payout for any or some leave, the remaining sick leave accrual will be reported to the State Universities Retirement System for service credit.

All unused sick leave accumulated prior to January 1, 1984, on or after January 1, 1998, and/or accumulated while ineligible for compensation under the State Finance Act is not subject to payment, but may be used for service credit in accordance with the rules of the State Universities Retirement System.

Under some circumstances, such as the reemployment of a former employee within two years of separation or employment of a State of Illinois or other University System employee, accrued non-compensated sick leave will be restored or credited to a University employee (see Policy 10 and Rule 13.04). Such sick leave will be treated the same as any pre-January 1, 1984, accumulation; that is, it will not be eligible for cash payout under any circumstances.