

POLICY 11
APPROVED AND UNAPPROVED ABSENCES

Rule 11.01 - Eligibility

An employee in a trainee, apprentice, learner, or status appointment is eligible for all types of leaves and excused absences. An employee in a temporary appointment is eligible only for excused absences. An employee in a provisional appointment intended to be permanent is eligible for all types of leaves and excused absences; however, employment following a leave is also subject to the conditions of provisional appointments stated in Section 250.70 of the State Universities Civil Service Statute and Rules. This rule provides that a provisional employee who has not qualified by examination may continue to be employed, providing no candidate is available for appointment from the appropriate register.

An employee who is absent on a leave or excused absence without pay may charge the absence to vacation and personal leave up to the amount accumulated at the beginning of the leave.

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Rule 11.02 - Approval of Leaves/Administration

All leaves of absence are subject to departmental approval. Special leaves are also subject to approval by the head of campus human resources office.

Any absence from work that is not (a) an approved leave, or (b) at the instruction of an employee's supervisor, or (c) granted as one of the stated excused absences shall be entered on the employee's record as an unexcused absence for which vacation and personal leave may not be charged.

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11.021 Requests for Leave

Employee seeking approval of any leave of absence or any extension of a leave shall present requests to their supervisors who shall act upon them pursuant to the procedures of the employing unit. A request shall include information as to the nature, duration, and justification for the requested leave or extension of leave. To the extent feasible, this must be done in advance of commencing a leave. In order to insure consistent and uniform application of policy in the granting of leaves of absence, supervisors and employees are invited to seek the advice of the campus human resources office staff.

11.022 Employing a Replacement While an Employee is on Leave

For information or assistance regarding the procedures for employing a replacement while an employee is on leave, employing units should consult the campus human resources office. The human resources staff shall advise the unit on the appropriate type of replacement. A temporary replacement may be employed where the leave is to be of short duration. A permanent replacement may be employed where the leave is to be of longer duration, such as an extended disability or service in the Armed Forces.

11.023 Return from Leave

When a temporary replacement is employed, the unit head is responsible for maintaining periodic contact with the employee during the leave and for insuring that any required documentation, such as medical opinion, is obtained in a timely manner to support the employee's return to work or extension of leave.

When a permanent replacement is employed, the campus human resources office will maintain periodic contact with the employee during the leave to plan appropriately for the employees' return to work. The human resources office staff will review the capability of the original employing unit to reinstate the employee returning from leave,

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and arrange appropriate placement within the University when the originating unit is unable to reemploy.

11.024 Notice to the State Universities Civil Service System

The campus human resources office will provide notice of leave requests processed as required by the State Universities Civil Service System.

11.025 Continuous Use of Accrued Benefits

If an employee is on a leave of absence and is intending to use accrued benefits, those accrued benefits must be used at the beginning of the leave on a continuous basis, not intermittently during the leave. For example, an employee who is on a 30-day leave and who has 10 days of accrued benefits must use the 10 days continuously at the beginning of the leave, and not use 2 or 3 days of benefits each week alternating with leave without pay during the 30-day leave period.

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Rule 11.03 - Jury Duty

An eligible employee, upon request, shall be granted a leave of absence with pay at the employee's regular rate for non-overtime scheduled hours when called for jury duty.

Employees on Early Morning or Normal Workday Schedules

Employees on early morning and normal workday schedules, e.g., whose shifts are between 6:00 a.m. and 6:00 p.m., who are serving jury duty are expected to report for work whenever their services are not required by the court. If, after being excused by the court, four (4) or more hours remain in the University schedule for that workday, employees must call their supervisors for report-to-work instructions unless earlier arrangements were approved.

Employees on Afternoon Shifts

Employees on afternoon shifts, e.g., commencing at 2:00 p.m. or later, will be granted jury duty leave for the shift occurring on the same calendar day as that on which they are required to report for jury duty. Employees on afternoon shifts who report for jury duty and who are excused prior to the time their shifts commence, must call their supervisors for report-to-work instructions unless earlier arrangements were approved. Supervisors may approve short work shifts to assure adequate rest for employees required to report for jury duty during morning hours.

Employees on Deep-Night Shifts

Employees on deep night shifts, e.g., commencing at 10:00 p.m. or later, will be granted jury duty leave for the shift immediately preceding a day on which they are required to report for jury duty. At the conclusion of the required jury duty, employees are expected to report for work at the beginning of the first shift that commences eight (8) or more hours after being excused from jury duty. For example, an employee excused at or before 2:00 p.m. is to report on his or her next scheduled shift.

Part-Time Employees

Eligible part-time employees normally will be granted leave with pay for the hours or days they are excused for jury duty and for which they have been scheduled to work. (See Policy 4.)

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Rule 11.03 - Jury Duty

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11.031 Holiday Pay While on Jury Duty

Employees on leave of absence for jury duty when a University holiday occurs will receive their normal holiday pay. Actual jury duty service on the holiday will not result in additional compensation or time off, since jury duty service is not University employment.

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Rule 11.04 - Military Leave

A leave of absence shall be granted to an eligible employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia for any period actively spent in military service, in accordance with state and federal law. Eligible employees include those in status, trainee, learner, or apprentice appointments and employees in provisional appointments intended to become permanent. Such leave will be granted whether or not within the state and whether or not voluntary. Compensation while on active duty will be as provided by the State of Illinois Military Leave of Absence Act (5 ILCS 325/1).

Leave for Service in the Armed Forces of the United States without pay shall be granted an eligible employee who enlists, volunteers for, or is inducted into such service. Reemployment following discharge will be in compliance with the Service Men's Employment Tenure Act (330 ILCS 60/1), the Military Selective Service Act (50 App. Sec. 451 *et seq.*) and the Employment and Reemployment Rights of Members of the Uniformed Services Act (38 U.S.C. 4301 *et seq.*).

Regulations

11.041 **Compensation During Leaves for Training**

Compensation for employees during leaves for annual training, special or advanced training and basic training shall be in accordance with the Illinois Military Leave of Absence Act (5 ILCS 325/1), and applies to full-time and part-time employees. If the leave of absence is with pay, compensation will be at an employee's regular hourly rate for non-overtime scheduled hours. An employee taking military leave is required to furnish copies of military orders and proof of military compensation prior to processing of payment by the University.

Annual Training

During leaves for annual training, the employee shall continue to receive regular compensation as a University employee.

Special or Advanced Training

During leaves for up to 60 days during a University appointment year for special or advanced training, if such employee's compensation for military activities is less than his or her University compensation, the employee shall receive regular University compensation minus the amount of base pay for military activities for normally scheduled work days. The 60 days do not have to be consecutive.

Basic Training

During leaves for basic training, if such employee's compensation for military activities is less than his or her University compensation, the employee shall receive regular University compensation minus the amount of base pay for military activities.

11.042 **Benefits During Leaves**

Benefits for employees on military leave shall be continued by the University as mandated by state and federal legislation. Employees should contact the benefits offices for complete information about continuation of insurance coverage and any premium payments.

11.043 **Call-Up for Active Duty**

In the event an employee is called up for active duty, the employee shall receive leave with pay for normally scheduled work days for up to thirty (30) calendar days. In the event emergency call up for

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active duty is extended beyond thirty (30) calendar days, the employee will be granted leave without pay for such additional days or will be granted leave and compensated as mandated by federal or State of Illinois legislation. Compensation during the thirty (30) calendar day period will be at the employee's regular hourly rate for non-overtime scheduled hours.

11.044 **Return from Leave for Military Service**

In accordance with provisions of the Service Men's Employment Tenure Act, the Military Selective Service Act and the Employment and Reemployment Rights of Members of the Uniformed Services Act, an employee returning from leave for military service will be restored to the position of employment which the employee left, with the same increases in status, seniority, and wages that were earned during the term of military service by employees in like positions, or to a position of like seniority, status, and pay, unless the University's circumstances have so changed as to make it impossible or unreasonable to do so, or if the employee's position was temporary. Reemployment of employees in provisional appointments will be also be subject to Section 250.70(b) of the State Universities Civil Service Statute and Rules concerning conditions for provisional appointments.

The employee returning from leave must have received a certificate or other evidence of honorable discharge or satisfactory completion of military service, and must make application for reemployment within ninety (90) days after being relieved from military service, or from hospitalization continuing after discharge for a period of not more than one year.

In addition, the employee must be still qualified to perform the duties of the position of employment from which leave was taken. If, as a result of military service, the employee is not physically or mentally qualified to perform the duties of the former position, the employee will be restored to a position for which he or she is qualified and able to perform the duties and which will provide the similar seniority, status, and pay, or the nearest approximation thereof, consistent with the circumstances of the case. Restoral to such a position is not required if it would cause undue hardship to the University.

If questions arise about reemployment rights or qualifications for performing the duties of a position, the campus human resources office will consult with University Counsel to determine the University's obligations under the law.

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Rule 11.05 - Funeral Leave

Employees in trainee, learner, apprentice, provisional, or status appointments will be granted upon request paid leave of three (3) scheduled work days to attend the funeral and for travel and bereavement time, upon the death of a member of the employee's immediate family or upon the death of a member of the household; and one (1) day to attend the funeral or memorial service of a relative other than the above who is not a member of the employee's household.

Under the Illinois Child Bereavement Leave Act, employees otherwise eligible for Family and Medical Leave under Rule 11.07 are eligible for an additional seven (7) unpaid days to attend the funeral, or an alternative to a funeral; to make arrangements necessitated by the death of the child; or to grieve the death of the child. Employees may use accrued leave benefits to remain in pay status while taking leave under this Act. The Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time available under FMLA; therefore, employees who have exhausted their 12-week FMLA entitlement may not take the additional seven days under this Act. Leave provided under this Act must be used within 60 days after the employee receives notice of the death of his/her child. If an employee suffers the death of more than one child in any 12-month period, the employee is entitled to take up to six weeks of unpaid bereavement leave in the 12-month period.

Immediate family is defined as: father, mother, sister, brother, spouse, domestic partner, civil union partner, children, grandparent, and grandchildren. If unborn child, gestational age must be 20 or more weeks. Biological, adopted, foster, legal wards, step, in-law or *in loco parentis* relationships are considered as immediate family under this policy and for the definition of a child for purposes of the Child Bereavement Leave Act.

Other relative is defined as: aunt, uncle, niece, nephew, or cousin of the employee. Great aunt, great uncle, great niece or great nephew are included in the definition of other relative. Such relatives are regarded as members of the immediate family only if in residence in the employee's household. In-law relationships are considered immediate family and are not included for other relatives.

For purposes of application of funeral leave, relationships existing due to marriage will terminate upon the death or divorce of the relative through whom the marriage relationship exists. Current marital status will be defined in accordance with Illinois State law.

The number of hours of authorized absence with pay for a day of funeral leave is defined as: 1/5 of the full-time weekly work schedule of the employee's classification times the employee's percent time of appointment. These hours multiplied by the eligible employee's regular straight-time hourly rate (or benefit hourly rate) equals the amount of funeral leave to be paid. Paid funeral leave may be used only on days an employee is scheduled to work. Substantiation of the reason for funeral/bereavement leave may be required.

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Rule 11.05 - Funeral Leave (Continued)

A designated supervisor may grant a leave to an employee who cannot, because of special circumstances, return to work at the completion of the allowable funeral leave days. An employee may take such leave without pay or may use accrued vacation and personal leave. If an employee is on an approved vacation or personal leave at the time of the death of an immediate family member or other relative as defined above, he/she may use funeral/bereavement leave in lieu of vacation leave with supervisor notification and approval at the time of death.

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Rule 11.06 - Special Leaves

Special leave without pay may be granted for the purpose of continuing the employee status of an individual whose performance record warrants it and who requests such leave for sufficient cause; for example, (a) an employee who wants to accompany a spouse who is on sabbatical leave, (b) an employee who has exhausted sick and disability benefits and family and medical leave and who is still unable to return to work, or (c) an employee engaged in public interest work or in furthering his or her education.

Reemployment following special leaves is subject to a thirty (30) day availability period at the end of the leave. The availability period rule will commence thirty (30) calendar days prior to the end of the leave. During the availability period, the campus human resources office will make arrangements to return the employee to the department and position from which leave was granted, or to place the employee in another position in accordance with the employee's seniority rights. The employee shall report to duty upon ten (10) working days notice from the campus human resources office.

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11.061 Request for Special Leave

A request for special leave shall be in writing and must be approved by the campus human resources office. The date for termination of the leave must allow for a thirty (30) day availability period.

11.062 Return from Leave

The campus human resources office shall maintain periodic contact with an employee during the availability period to plan appropriately for the employee's reinstatement. The campus human resources office shall coordinate reinstatement of the employee in accordance with the terms of the leave of absence which was originally granted.

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Rule 11.07 - Family and Medical Leave

In accordance with the Family and Medical Leave Act (FMLA) of 1993 (29 U.S.C. § 2601 *et seq.*) and as amended in 2009, 2013, and 2015, family and medical leave shall be granted to an employee for the birth or adoption of a child; for the care of a son, daughter, spouse, or parent who has a serious health condition; to an employee who is unable to perform the functions of his or her position due to a serious health condition; for the care of a son, daughter, spouse, parent or next of kin who is a covered servicemember with a serious injury or illness incurred: (a) in the line of duty on active duty; and (b) that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating; or because of a qualifying exigency arising out of the fact that a son, daughter, spouse, or parent is on a covered active duty or call to active duty status in support of a contingency operation as a member of the National Guard, Reserves, or Regular Armed Forces. Covered active duty requires deployment to a foreign country. Eligible employees may take leave to care for a servicemember's parent who is incapable of self-care when the care is necessitated by the member's covered active duty.

Individuals who have been employed by the University for at least 12 months and who have performed at least 1,250 hours of service during the previous 12-month period, are eligible for up to 12 workweeks (up to 26 workweeks to care for a covered servicemember) of unpaid family and medical leave during each consecutive twelve-month period for which eligibility criteria have been met. Periods of employment with the University separated by a break in service will be counted when determining the 12 months of service provided that the break in service does not exceed seven years. For breaks in service that are seven years or longer, service time will be counted if one of the following applies: break in service due to National Guard or Reserve military service obligation; or written agreement by the University of Illinois indicating intent to rehire the employee after the break in service. The initial 12-month period is measured forward from the date the employee first takes FMLA leave. The next 12-month period begins the first time FMLA leave is taken after completion of any previous 12-month period. For example: the first time an employee takes FMLA leave is on September 19 and he/she uses the entire 12 weeks. The next time the employee is eligible for FMLA leave is on September 19 of the following year (year two). However, the employee does not need to take an FMLA leave starting on September 19 of year two, but needs to take one starting on November 23 of year two. The employee uses 4 weeks starting with the November 23 date and then needs to use the remaining 8 weeks in January. The employee has now exhausted their twelve weeks for year two (which started on November 23) and is not eligible to take another 12 weeks until November 23 (year three).

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An employee shall be entitled, on return from leave, to be restored to the position held by the employee when the leave commenced, or to an equivalent position with equivalent benefits, pay, and other conditions of employment.

11.071 Entitlement to Leave

Family and medical leave shall be granted for the following purposes:

- (1) For the birth of a son or daughter of the employee, and in order to care for such child. Both parents are entitled to FMLA leave to be with the healthy newborn child (i.e. bonding time) during the 12-month period beginning on the date of birth. Entitlement expires at the end of the 12-month period beginning on the date of birth.
- (2) For the placement of a son or daughter with the employee for adoption or foster care, entitlement expires at the end of the 12-month period beginning on the date of placement. If such leave began before the actual placement because absence from work was required for the placement or adoption to proceed, entitlement expires at the end of the 12-month period beginning on the last day worked.
- (3) For care of a son, daughter, spouse, or parent of the employee in case of serious health condition. Employee does not need to be the only individual available to care for the spouse, son, daughter, or parent to be eligible. A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition.

“Son or daughter” includes biological, adopted, foster, stepchild, legal ward, legal same-sex spouse’s child, or a child of person standing *in loco parentis*--who is under 18 years of age, or over age 18 but incapable of self-care because of a mental or physical disability (as defined by FMLA regulations). “Spouse” includes a husband or wife to whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either (1) was entered into

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in a State that recognizes such marriages; or (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.. “Parent” is defined by the Family and Medical Leave Act as a biological, adoptive, step or foster father or mother, legal same-sex spouse of parent, or any individual who stood *in loco parentis* to the employee. “In loco parentis” includes those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship. FMLA leave for a parent-in-law is specifically excluded by the Act; however, a leave of absence to care for a parent-in-law may be granted under Policy 10, Sick Leave and other leave policies.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
 - (A) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
 - one treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); or

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- (B) Any period of incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of a child. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive calendar days; or
 - (C) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a health care provider is not necessary for each absence; or
 - (D) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease, etc.). Only supervision by a health care provider is required, rather than active treatment; or
 - (E) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy), or kidney disease (dialysis).
- (4) For a serious health condition that makes the employee unable to work at all or is unable to perform any one of the essential functions of his or her position. "Serious health condition" is defined in (3) above.
- (5) For the care of a son, daughter, spouse, including legal same-sex spouse as defined in 11.071 (3), parent or next of kin who is a covered servicemember with a serious injury or illness. During a single 12-month period, an eligible employee is entitled to twenty-six (26) workweeks of leave on a per-covered servicemember, per-injury/illness basis. Employee does not need to be the only individual available to care for covered servicemember to be eligible.

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“Son or daughter” includes biological, adopted, foster child, stepchild, legal ward, legal same-sex spouse’s child, or a child for whom the employee stood in loco parentis and who is of any age.

“Parent” means a biological, adoptive, step or foster father or mother, legal same-sex spouse of parent or any other individual who stood in loco parentis to the employee.

“Next of kin” means the nearest blood relative of a covered servicemember (other than his/her spouse, parent, son, or daughter), in the following priority order: (1) a blood relative designated in writing by the servicemember as his/her nearest blood relative for purposes of caregiver leave; (2) blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions; (3) brothers and sisters; (4) grandparents; (5) aunts and uncles; (6) first cousins.

“Covered servicemember” is a covered veteran or a current member of the Armed Forces, including a member of the National Guard, Reserves, or Regular Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

“Covered veteran” is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

“Serious injury or illness” means an injury or illness incurred by a covered servicemember: (a) in the line of duty on active duty; and (b) that may render the servicemember medically unfit to perform the duties of the servicemember’s office, grade, rank, or rating; and (c) injuries or illnesses that existed before the beginning of the member’s active duty and were aggravated by service in the line of duty on active duty in the Armed Forces.

“Serious injury or illness for a covered veteran” means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran,

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and is: (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or (2) a physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or (3) a physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave.

- (6) Because of a qualifying exigency arising out of the fact that a son, daughter, spouse, or parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard, Reserves, or Regular Armed Forces.

"Qualifying exigency" includes any one or more of the following: short-notice deployment activities; military events and related activities; childcare and school activities; financial and legal arrangements; counseling activities; rest and recuperation activities; post-deployment activities; and/or additional activities, upon which the University and the employee agree, which arise out of the active duty status or call to duty. Employees who request qualifying exigency leave to spend time with a servicemember on rest and recuperation may take up to 15 calendar days of leave.

"Active duty or call to active duty status" means military duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to Section 688, Section 12301(a),

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Section 12302, Section 12304, Section 12305, Section 12406, or Chapter 15 of Title 10 of the United States Code, or pursuant to any other law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

“Contingency operation” is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations or hostilities against an enemy of the U.S. or against an opposing military force; or results in the call or order to, or retention on, active duty of members of the uniformed services under the Sections and Chapter listed above, or under any other provision of law during war or during a national emergency declared by the President or Congress.

11.072 Leave Schedule

Leave for birth or adoption of a child shall be taken all at one time, not on an intermittent or reduced leave schedule, unless the employee and supervisor or responsible departmental official agree otherwise. Leave for a newborn or adopted child with a serious health condition may be taken as a block of time, intermittently, or on a reduced schedule. In the case of adoption or foster care, leave may begin before the actual placement or adoption of a child if an absence from work is required for the placement or adoption to proceed. Leave may be taken intermittently or on a reduced schedule when the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

Leave for a serious health condition (employee or family) may be taken intermittently or on a reduced schedule basis when medically necessary. Under such conditions, the employee may be required to transfer temporarily to an available alternative position with equivalent pay and benefits if the transfer better accommodates recurring periods of leave. Employees cannot be transferred to an alternative job while on exigency leave.

Spouses who are eligible for FMLA leave and are both employed by the University of Illinois may be limited to a combined total of 12 workweeks of leave during the single 12-month period if leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, or to care for the employee’s parent with a serious health condition. Leave may be limited to a combined

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total of 26 workweeks during the single 12-month period if leave is taken to care for a covered servicemember with a serious injury or illness. These limitations on the total weeks of leave applies as long as the spouses are both employed by the University of Illinois.

“Intermittent leave” is leave taken in separate blocks of time or any part of a single day due to a single qualifying reason.

A “reduced leave schedule” is a leave schedule that reduces an employee’s usual number of working hours per workweek or hours per workday.

The workweeks of family and medical leave to which eligible employees are entitled shall be based on the number of hours in the employee’s normal workweek schedule at the percentage of the employee’s appointment. For example, a sixty-four percent-time employee scheduled to work twenty-four hours per week would be entitled to leave for twelve twenty-four hour workweeks or 288 hours (or, if leave is to care for a covered servicemember, twenty-six 24-hour workweeks, or 624 hours). Only the amount of leave actually taken may be counted toward the 12 or 26 weeks of leave to which an employee is entitled. The taking of leave intermittently or on a reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

The amount of time taken for family and medical leave shall be reported in one-tenth of an hour increments for non-exempt employees and quarter-hour increments for exempt employees. FMLA leave balances shall not accrue or carry over to the next 12-month leave period.

An eligible employee on a flex-year or seasonal leave appointment shall be entitled to leave during those periods when he or she is expected to furnish regular service to the University.

11.073 Notice of Leave

In any case in which the necessity for leave is foreseeable based on an expected birth or adoption placement, or based on planned medical treatment, the employee shall provide the supervisor with not less than 30 calendar days notice before the date the leave is to begin. If not foreseeable 30 days in advance, the employee shall provide verbal notice

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within two working days of learning of the need for leave and should provide an explanation to his/her supervisor indicating why providing such notice was not practicable. Failure to respond to such inquiries may result in denial of FMLA protection if the supervisor is unable to determine that leave is FMLA qualifying. If employee fails to comply with these procedures, absent unusual circumstances, the supervisor may delay or deny FMLA-protected leave. If the leave is for planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the unit. When foreseeable leave is due to a qualifying exigency, notice must be provided as soon as practicable regardless of how far in advance leave was foreseeable.

11.074 Medical Certification

An employee's request for leave to care for a son, daughter, spouse, or parent with a serious health condition or for a serious health condition that makes the employee unable to perform the functions of the position of the employee, must be supported by an acceptable certification issued by a health care provider. An acceptable certification must include:

- (1) The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;
- (2) The approximate date on which the serious health condition commenced, and its probable duration;
- (3) A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave. Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;
- (4) If the employee seeks leave for his or her serious health condition, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of such inability;

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- (5) If leave is sought to assist a serious health condition of a covered family member, information sufficient to establish that the employee is needed to care for the son, daughter, spouse, or parent and an estimate of the frequency and duration of the leave required to care for the family member;
- (6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery;
- (7) If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and
- (8) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

Such certification shall be submitted to the head of the employing campus unit, or applicable human resources office, before the commencement of the leave, or within 15 calendar days of the notification of the need for leave when the leave is not foreseeable, or as is practicable. Units may seek assistance from the campus/central human resources office regarding the acceptability of the certification provided.

If the University deems a medical certification to be incomplete or insufficient, it shall provide the employee with written notice of what information is lacking, and the employee shall have seven calendar days to cure the deficiency.

Second Opinion: If the medical certification provided is determined to be unacceptable to the employing unit or applicable human resources office, the employee may be

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required to obtain the opinion of a second health care provider designated or approved by the University, but not employed by the University.

Binding Third Opinion: In any case in which the second opinion differs from the opinion provided by the employee's provider, the opinion of a third provider may be required. The third provider shall be designated or approved jointly by the University and the employee. The opinion of the third provider shall be considered final and shall be binding on the University and employee.

Each campus shall develop procedures for the review of medical certification and referral for second and third opinions. The campus/central human resources office shall serve as a resource on medical certification procedures. Units should contact this office for assistance with medical certification questions or problems.

Any expenses associated with obtaining second and third opinions shall be the responsibility of the employing unit.

An employee may be required to obtain a recertification of a medical condition every six months in connection with an absence. Under certain circumstances, recertification may be requested more often. Contact your campus/central human resources office for assistance.

An employee's failure to provide required certification within 15 calendar days may result in delay or denial of leave. If the supervisor or campus/central human resources office has acquired knowledge that the leave is being taken for an FMLA required reason, the supervisor may designate the leave as FML leave and must notify the employee within five business days (absent extenuating circumstances). If the notice is verbal, it shall be confirmed in writing, no later than the following payday (unless payday is less than one week after the verbal notice, in which case the notice must be no later than the subsequent payday).

Units are responsible for maintaining confidential files for medical certifications and related medical records separate from employee personnel files.

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11.075 Certification of Qualifying Exigency

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a military member's active duty or call to active duty status in support of a contingency operation.

11.076 Return from Leave

Ordinarily, an employee who has been absent for family and medical leave shall be restored to the position held by the employee in the same unit from which the employee took leave; or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment to which the employee would have been entitled had the employee not taken leave. If the University would not otherwise have employed the employee at the time reinstatement is requested, the University may deny restoration to employment in accordance with the seniority provisions of the State Universities Civil Service Statute and Rules.

An employee on leave may be required to report periodically to the supervisor or unit head on his or her status and intention to return to work.

An employee who has been absent for medical reasons may be required to obtain a statement from a health care provider that the employee is able to resume work. The unit must provide notice to the employee at the time the leave is approved that a certification that they are able to return to work will be required. If the certification will include analysis of the employee's ability to perform essential functions of his/her job, a list of the essential functions must be provided to the employee with the FMLA designation notice.

An employee returning from family and medical leave is expected to contact the employing unit at least 30 calendar days in advance of the anticipated date of return from leave, in order to permit the unit to plan for the employee's reinstatement.

11.077 Benefits While on Leave Without Pay

Health Insurance: Coverage of group health and dental insurance shall be continued by the University at the same level that coverage would have been provided if the employee had remained in employment continuously. Employees are responsible for paying the employee-paid portion of their health insurance premiums, as well as dependent coverage premiums. If the employee does not make required payments

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during the leave period, the CMS-Group Insurance Division (GID) will terminate the member's coverage the first day of the current month. These members are ineligible to continue coverage under COBRA and will not receive a COBRA notification letter (eligible or ineligible). CMS will take action to collect all outstanding premium(s), which may include involuntary withholding.

Extension of Other Insurance Coverage: An employee may continue insurance coverage in excess of the University's contribution by contacting the Benefits Center within 30 calendar days following the last day of paid employment to make arrangements for premium payments.

State Universities Retirement System Benefits: To determine the effect of leave on the accumulation of service time for retirement and to assure continuation of contributions, the employee should contact the State Universities Retirement System.

Disability Benefits: In the case of an extended disability due to a serious health condition, an employee may qualify for disability benefits through the State Universities Retirement System. Employees may request an Application for Disability Benefit from the campus human resources office. Leave for disability or pending disability counts towards the 12-week FMLA entitlement.

Workers Compensation: All leave under workers compensation counts towards the 12-week FMLA entitlement.

Recovery of Premiums: The University may recover the premiums paid for maintaining coverage for the employee if the employee fails to return from leave for a reason other than continuation, recurrence, or onset of a serious health condition (employee or family), or other circumstances beyond the control of the employee. Certification of such conditions may be required by the University.

Seniority: Seniority will accumulate in accordance with State Universities Civil Service System Statute and Rules 250.120 while on unpaid family and medical leave.

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11.078 Use of Accrued Sick Leave and Vacation and Personal Leave
Birth, Adoption, or Foster Care

Employees have the option to take leave with or without pay. To continue in pay status during the FMLA period (or any part thereof) to care for a child following birth or adoption, an employee must use accrued sick leave or vacation and personal leave in accordance with University leave provisions as allowed within Policy and Rules. Accrued leave used for this purpose will be counted toward the FMLA entitlement. Any portion of the FMLA period for which accrued leave is not charged shall be without pay.

Serious Health Condition, Family Member or Covered Servicemember

Employees have the option to take leave with or without pay. For care of a son, daughter, spouse, or parent with a serious health condition, leave is provided under the terms and conditions of University sick leave policy (Policy 10, Sick Leave). Sick leave used for this purpose will be counted toward the FMLA entitlement (or any part thereof). If an employee's accrued sick leave is exhausted, the employee may elect to use accrued vacation and personal leave to continue in pay status during the FMLA period. Vacation and personal leave used for this purpose will also be counted toward the FMLA entitlement. Any portion of the FMLA period for which accrued leave is not charged shall be without pay.

Serious Health Condition, Employee

Employees have the option to take leave with or without pay. If an employee is unable to work because of a serious health condition, leave is provided under the terms and conditions of University sick leave policy (Policy 10, Sick Leave). Sick leave used for this purpose will be counted toward the FMLA entitlement (or any part thereof). If an employee's accrued sick leave is exhausted, the employee may also elect to use accrued vacation and personal leave to continue in pay status during the FMLA period. Vacation and personal leave used for this purpose will also be counted toward the FMLA entitlement.

In addition, employees who exhaust their accrued sick leave balances may be eligible to receive disability benefits through the State Universities Retirement System. Employees who anticipate requiring an extended period of leave should contact the State Universities Retirement System at the same time they apply for use of family and

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medical leave for information concerning benefits eligibility and to minimizing any gaps in benefits.

Any portion of the FMLA period for which accrued sick leave, or accrued vacation and personal leave, are not charged or for which the employee does not receive disability benefits, shall be without pay.

Qualifying Exigency

Employees have the option to take leave with or without pay. To continue in pay status during the FMLA period (or any part thereof) for a qualifying exigency leave, an employee must use accrued vacation leave in accordance with University leave provisions and policies. Accrued leave used for this purpose will be counted toward the FMLA entitlement. Any portion of the FMLA period for which accrued leave is not charged shall be without pay.

11.079 Extension of Leave Beyond 12 or 26 Weeks

Benefits under the family and medical leave policy expire after 12 weeks (26 weeks to care for a covered servicemember). An employee seeking approval of an extension of leave beyond the family and medical leave entitlement shall present a written request to his or her supervisor, which shall be acted upon pursuant to departmental procedures and in accordance with University policies related to leaves of absence without pay and other leaves.

11.080 Questions

Employees should discuss questions or disagreements about family and medical leave with their immediate supervisors. If concerns are not resolved at the supervisory level, the unit head should review the issues. If the unit head is unable to resolve the issue, the dean or director should be consulted. Should questions remain, the campus/central human resources office will provide assistance to both the employee and the unit.

Interpretation of specific requirements of the family and medical leave policy is subject to provisions contained in the full text of the Act. Questions regarding the provisions of the FMLA and the Department of Labor Regulations for its implementation should be directed to the campus/central human resources office.

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Rule 11.08 - Pregnancy Leave/Non-Occupational Disability

Employees shall be eligible for pregnancy leave of absence based upon disability or incompatibility between an employee's pregnant state and the regularly required duties of her position. A leave of absence will be granted for the purpose of pregnancy unless there is sufficient justification to deny the request.

Leave taken for reasons of pregnancy qualifies as family and medical leave and shall be applied toward the 12-week entitlement period for eligible employees. Leave following the birth of a child is available for either parent under the provisions of the Family and Medical Leave Act. (See Rule 11.07.)

- A. The supervisor may require the employee to provide a medical opinion from her attending physician to verify the necessity and probable duration of the leave.
- B. Pregnancy leave shall continue until the employee, on the basis of acceptable medical opinion, is able to return to work.
- C. Pregnancy leave will be charged to accumulated sick leave. If this is insufficient, vacation and personal leave or leave without pay may be granted in accordance with Rules 10.01, 11.02, 11.06, and 11.07.

Regulations

11.081 Medical Consultation

A pregnant employee who is advised by her physician to commence pregnancy leave shall provide her supervisor with her physician's medical advice regarding leave commencement. She shall also visit a designated health care provider for further medical consultation if requested to do so by her supervisor.

11.082 Safe Working Conditions and Practices

Staff members of the campus offices responsible for employee health and safety are available to advise an employee and her supervisor of safe working conditions and practices.

11.083 Approval to Return to Work

The employee shall obtain a statement from her physician as soon as practicable, approving her return to work. This approval shall be presented to the employing unit, prior to her return to work. She shall also undergo medical consultation by a designated health care provider if requested to do so.

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Rule 11.09 - Disability Leave

An employee who has been absent because of an occupationally incurred disability, or who has been on leave for illness, injury, or disability including pregnancy using accumulated sick leave, family and medical leave, or receiving Retirement System disability benefit payments will be returned to a position in the employee's class upon recovery or expiration of sick leave benefits, Retirement System benefit payments, pregnancy leave, or family and medical leave, if qualified physically and mentally to perform such duties.

Reemployment following an employee's application to return to work following absence on an approved disability leave will be subject to the thirty (30) day availability period notice and other rules relating to special leaves in addition to medical clearance. (See Rules 11.02 and 11.06.)

In accordance with Civil Service Rule 250.110(b)(3) an employee who is no longer able to perform the duties and responsibilities of the position in the class due to a disability will be required to take disability leave. University employment may be terminated if an employee is unable to resume the duties and responsibilities of the position after exhausting sick leave and disability benefits, or if an employee is unwilling to return to the position from which he or she is on leave after obtaining medical clearance.

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Rule 11.10 - Leave Without Pay/Extension of Certain Benefits Coverage

An eligible employee on leave without pay may continue certain benefits not directly related to hours in pay status by assuming the cost of such benefits. Specific regulations regarding such benefits shall be issued by the Associate Vice President for Administration and Human Resources.

Regulations

11.101 State Insurance Plans

An employee on leave of absence without pay may continue coverage under State-paid or University-sponsored Group Health Insurance Plans, Term Life Insurance Programs, and Group Personal Accident by contacting the campus benefits office either before going on leave or within thirty (30) days following the last day of paid employment to make arrangements for premium payments. (See also Rule 12.05.)

11.102 State Universities Retirement System

An employee on leave of absence without pay must make contributions to the State Universities Retirement System in order to continue benefit eligibility and to earn credit toward retirement annuity. An employee wishing to make such contributions must contact the State Universities Retirement System at the beginning of the leave period to assure continuation of benefits.

11.103 Benefits While on Disciplinary Suspension or Suspension Pending Discharge

An employee on Disciplinary Suspension or Suspension Pending Discharge will be deemed by the University to be an employee on special leave for the purposes of Regulations 11.101 and 11.102. The employee should contact the campus benefits office for information about whether the State will make contributions to the employee's insurance and whether coverage of dependents may be continued during the suspension period.

11.104 Benefits While on Family and Medical Leave

Coverage of health and dental insurance shall be continued by the University for an employee on family and medical leave at the same level that would have been provided if the employee had remained in employment continuously. An employee may extend other insurance and retirement system benefits while on family and medical leave by assuming payments while on leave. (See Regulation 11.076.)

11.105 Benefits While on Victims Economic Security and Safety Leave (VESSA)

Coverage of health and dental insurance shall be continued by the University for an employee on VESSA leave at the same level that would have been provided if the

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employee had remained in employment continuously. An employee may extend other insurance and retirement system benefits while on VESSA leave by assuming payments while on leave. (See Regulation 11.166.)

11.106 Benefits While on Military Leave

Benefits for employees on Military Leave shall be continued by the University as mandated by state and federal legislation. Employees should contact the benefits offices at the Urbana and Chicago campuses or the human resources office at the Springfield campus for information.

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Rule 11.11 - Occupational Disability/Special Provision for Law Officers, Correctional Officers, and Fire Fighters

The University will provide payment of salary for up to one (1) year with no deduction from accrued University benefits for any law or correctional officer or fire fighter who is a full-time University employee and suffers an injury in the line of duty which causes such employee to be unable to perform the employee's duties in accordance with the Public Employee Disability Act (5 ILCS 345/0.01 *et seq.*).

Regulations

11.111 Review of Claims

Each campus will establish a procedure for the review of claims concerning on-duty injuries for law or corrections officers and firefighters. The unit head or a designee will give final approval or disapproval to all claims. Consultation with the employee and/or exclusive representative will be granted if requested.

11.112 Appeal of Decision

An employee may appeal the decision of the unit head or designee by use of the negotiated grievance procedure or the procedures under Rules 17.03 through 17.11 if there is no exclusive representative.

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Rule 11.12 - Excused Absences With Pay/Approved Events

Employees may be released from work with pay, University operations permitting, and subject to prior approval from their supervisors, to participate in Approved Events, as designated by the Associate Vice President for Administration and Human Resources or by a Chancellor. The Associate Vice President for Administration and Human Resources shall publish and maintain lists of Approved Events that are recognized University-wide or in the University Administration offices. Each Chancellor or a designee shall be responsible for the designation or approval of Campus Approved Events and notification of the Associate Vice President for Administration and Human Resources. Any Campus Approved Event is also an Approved Event for University Administration employees stationed at that geographic location.

Regulations

11.121 University Approved Events

Activities designated as University Approved Events under Rule 11.12 are:

- A. Official meetings of the University Civil Service Advisory Committee to the State Universities Civil Service System Merit Board and any of its duly established subcommittees.
- B. Official meetings of the Employees Advisory Committee to the State Universities Retirement System Board.
- C. Official meetings of the University Employees Advisory Committee.
- D. Official meetings of the campus Staff Advisory Council.
- E. Time spent away from work while serving as designated judges or tellers in elections of members to any of the above committees.
- F. Time off to vote in Campus Staff Advisory Council and other approved committee elections.
- G. Attendance at conferences or meetings arranged at the request of a University or campus official.
- H. Meetings sponsored or approved by management.

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Rule 11.12 - Excused Absences With Pay/Approved Events

Regulations (Continued)

- I. Departmental meetings under the direction of deans, directors, or other departmental officials.
- J. Accident compensation meetings which an employee is required to attend.
- K. Service on committees appointed by the President, the Chancellor, or other University or campus official.
- L. Union negotiations convened by mutual agreement between employee representatives and the University Human Resources staff.
- M. Representation of another employee in a grievance matter.
- N. Authorized visits to a University office on matters relating to an individual's employment.
- O. Authorized visits to the human resources office to take Civil Service examinations. If an originally scheduled examination time is not compatible with the employee's job responsibilities, steps should be taken by the supervisor to insure that a mutually acceptable time is arranged as soon as possible.
- P. Authorized visits to a designated health care provider.
- Q. Time off, as approved by an employee's supervisor, to donate blood.
- R. One (1) day time off when required to report for a pre-induction physical for service in the Armed Forces.
- S. Time an employee is in attendance at training programs or University classes, when requested by his or her supervisor (see Policy 14).

11.122 Employee Elections

Each campus human resources office may issue procedures regarding the use of University time, facilities, and equipment by an employee to publicize his or her candidacy for election to the Staff Advisory Council, the University Civil Service Advisory Committee, and/or State Universities Retirement System Advisory Committee. Each council or committee is responsible for establishing its own election procedures and for judging the candidate's conformance to these rules and to any procedures it may establish.

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Rule 11.12 - Excused Absences With Pay/Approved Events

Regulations (Continued)

11.123 Holiday Season Parties

Employees may be released from work for one (1) hour, University operations permitting, and without loss of pay, for purposes of attending a departmental or unit party during the December holiday season. The one (1) hour may be combined with the lunch period if desired and feasible.

Arrangements must be made for offices to be kept open for conduct of regular University business during this one (1) hour. Deans, directors, and heads of major units will approve party scheduling to insure that units remain operational during such events.

Under no circumstance may the hour, or any part thereof, be used to permit employees to leave work early or arrive at work late. Supervisors are responsible for insuring that only reasonable staff time and effort are devoted to preparations for and cleanup after the party.

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Rule 11.13 - Excused Absence With Pay/Gift Day

When Christmas falls on Tuesday through Friday (i.e., when there is only limited time available for preparation for the observance of Christmas), employees will be excused with full pay for one-half (1/2) day on December 24. Employees who work in services of a continuing nature, which in the judgment of the unit head cannot be suspended, will be paid at their regular rates and will be given one-half (1/2) day off with pay at another time. Employees on layoff who qualify for holiday pay for Christmas (see Rule 9.01) will receive one-half (1/2) day straight time pay for this half-day when they receive holiday pay. Employees who are not scheduled to work on December 24 and who are not on layoff will be given one-half (1/2) day off with pay at another time. Employees on approved vacation or leave will not have the one-half (1/2) day charged against vacation or leave. The December 24 half-day off will not be granted in years when Christmas falls on Saturday, Sunday, or Monday.

Part-time employees will receive prorated pay or time off for this one-half (1/2) day based on the percent time of their appointments.

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Rule 11.14 - Excused Absences Without Pay

Employing units have the authority to approve absences without pay. Certain absences requested by an employee will be excused as described below. These absences will be considered excused absences without pay unless an employee charges the absence to accrued vacation and personal leave.

- A. Employees may be excused to attend to personal business, University operations permitting, subject to prior approval from their employing units. An absence (including tardiness) occasioned by factors beyond the employee's control and for reasons which are satisfactory to the employing unit will be considered an excused absence.
- B. An employee who requests time to vote in any national, state, or local election will be excused for a time not to exceed two (2) hours, if such request is made to the employing unit no later than one (1) day before the election.
- C. An employee who requests time to attend school conferences or classroom activities related to the employee's child, will be excused when such conferences or activities cannot be scheduled during nonwork hours, in accordance with the School Visitation Rights Act 820 (ILCS 147/1 *et seq.*).

Regulation

11.141 Duration of Absences

Excused absences as authorized under Rule 11.14A are intended to be of short duration, e.g., a day or two. However, the time duration may be extended by the employing unit with justifiable cause, but not beyond thirty (30) consecutive workdays. An employee who needs to be absent without pay for more than thirty (30) consecutive workdays shall apply for approval of a special leave (see Rule 11.06).

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Rule 11.15 - Parental Leave

Upon request, an employee who has completed six months of continuous employment in a trainee, apprentice, learner, or status appointment, or in a provisional appointment intended to be permanent, shall be granted parental leave with pay for up to two weeks immediately following the birth of a child, or upon either the initial placement or the legal adoption of a child under 18 years of age. Parental leave is limited to one leave per twelve-month academic appointment year. An employee who resigns employment before or at the expiration of the parental leave normally shall be required to reimburse the University for the cost of wages paid during the leave.

Regulations

11.151 Effective Date

Parental leave applies for births and adoptions which occur on or after July 1, 1997.

11.152 Leave to be Taken Following Birth or Adoption

Parental leave following the birth of a child must be taken in full immediately after the birth or immediately following the child's release from a health care facility to the home. Parental leave for an adopted child may be taken in full either at the time of initial placement or at the time of legal adoption. The leave cannot be taken on an intermittent schedule, or on a reduced leave schedule for a period lasting longer than two weeks.

11.153 Request for Leave

An employee requesting parental leave must submit a request to the employing unit for approval.

11.154 Relationship to Family and Medical Leave

Parental leave is automatically counted toward the twelve week entitlement under the Family and Medical Leave policy for eligible employees.

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Rule 11.16 – Victims Economic Security and Safety Leave

In accordance with the Illinois Victims Economic Security and Safety Act (VESSA) of 2003, and as amended in 2009, leave shall be granted to an employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim. “Family or household member”, for employees with a family or household member who is a victim of domestic or sexual violence or is perceived to be a victim of domestic or sexual violence, means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household. “Parent” means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

All employees are eligible for 12 workweeks of leave during any 12-month period. The initial 12-month period is measured forward from the date the employee first takes VESSA leave. The next 12-month period begins the first time VESSA leave is taken after completion of any previous 12-month period. This Act does not create a right for the employee to take a leave that exceeds the leave time allowed under, or in addition to, the leave time permitted by the Family and Medical Leave Act (FMLA) (Rule 11.07). For employees on VESSA leave who are also eligible for FMLA leave, VESSA leave time is not in addition to the 12-week FMLA entitlement when the reason for VESSA leave also qualifies under FMLA, but depletes the 12-week FMLA entitlement when used. An employee who may have exhausted all available leave under FMLA, for a purpose other than that which is available under VESSA, remains eligible for leave under VESSA.

An employee shall be entitled, on return from leave, to be restored to the position held by the employee when the leave commenced, or to an equivalent position with equivalent benefits, pay, and other conditions of employment.

“Domestic or sexual violence” means domestic violence, sexual assault, or stalking.

“Domestic violence” means abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986 by a family or household member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986. Section 103 of the Illinois Domestic Violence Act of 1986 defines the following:

- “Abuse” means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.
- “Family or household members” include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or

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have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in paragraph (3) of subsection (b) of Section 12-21 of the Criminal Code of 1961. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, “family or household members” include any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

“Sexual assault” means any conduct proscribed by the Criminal Code of 1961 in Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16.

“Stalking” means any conduct proscribed by the Criminal Code of 1961 in Sections 12-7.3, 12-7.4, and 12-7.5.

Regulations

11.161 Entitlement to Leave

Leave shall be granted for the following purposes:

- (1) To seek medical help and recover from physical or psychological injuries caused by domestic or sexual violence to the employee or the employee’s family or household member.
- (2) To obtain victim’s services, psychological or other counseling, and legal assistance or remedies, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.
- (3) Participate in safety planning, temporarily or permanently relocating, or taking other actions to increase health and safety, or to ensure economic safety of covered persons.

11.162 Leave Schedule

Leave under VESSA may be taken all at one time or on an intermittent or reduced leave schedule. Under such conditions, the employee may be required to transfer temporarily to an available alternative position with equivalent pay and benefits if the transfer better accommodates recurring periods of leave.

“Intermittent leave” is leave taken in separate blocks of time and may include periods from less than one hour to several weeks.

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Rule 11.16 – Victims Economic Security and Safety Leave

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A “reduced leave schedule” is a leave schedule that reduces an employee’s usual number of working hours per workweek or hours per workday.

The 12 workweeks of VESSA leave to which eligible employees are entitled shall be based on the number of hours in the employee’s normal workweek schedule at the percentage of the employee’s appointment. (For example, a 64-percent-time employee scheduled to work 24-hours per week would be entitled to leave for twelve 24-hour workweeks or 288 hours.) Only the amount of leave actually taken may be counted toward the 12 weeks of leave to which an employee is entitled. The taking of leave intermittently or on a reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

The amount of time taken for VESSA leave shall be reported in one-tenth of an hour increments for non-exempt employees and quarter-hour increments for exempt employees. VESSA leave balances shall not accrue or carry over to the next 12-month leave period.

An eligible employee on a flex-year or seasonal leave appointment shall be entitled to leave during those periods when he or she is expected to furnish regular service to the University.

11.163 Notice of Leave

The employee shall provide the supervisor with 48 hours notice in advance, unless providing such notice is not practicable. An employee’s failure to provide required certification within 15 calendar days may result in delay or denial of leave. If the leave is for planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as to not unduly disrupt the operations of the unit. When an unscheduled absence occurs, the employer may not take action against the employee if the employee, within a reasonable period of time, provides certification.

11.164 Certification

Certification issued by the employee’s or household members health care provider shall be required to support a request for VESSA leave for a serious health condition as outlined in Rule 11.07, Family and Medical Leave, Regulation 11.074, Medical Certification.

Other means of certification may be required to verify eligibility for VESSA leave taken for reasons other than medical as described in 11.161. This certification may be in the form of a sworn statement of the employee; and, any of the following: documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee’s family or household

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member has sought assistance in addressing domestic or sexual violence and the effects of the violence; a police or court record; or, other corroborating evidence.

Such certification shall be submitted to the head of the employing unit, or applicable human resources office, as requested. Units may seek assistance from the campus/central human resources office regarding the acceptability of the certification provided.

Any expenses associated with obtaining the certification shall be the responsibility of the employee. An employee may be required to obtain subsequent recertifications on a reasonable basis.

If the supervisor has acquired knowledge that the leave is being taken for a VESSA eligible reason, the supervisor may designate the leave as counting toward the 12-week entitlement. Supervisors should notify the employee within five business days (absent extenuating circumstances) that the leave is being counted towards VESSA leave. If the notice is verbal, it shall be confirmed in writing, no later than the following payday (unless payday is less than one week after the verbal notice, in which case the notice must be no later than the subsequent payday).

Units are responsible for maintaining confidential files for all leave requests, certifications and documentation associated with VESSA. These records must be kept separate from employee personnel files, and retained in confidence except to the extent that disclosure is requested and consented to in writing by the employee or required by state/federal law.

11.165 Return from Leave

Ordinarily, an employee who has been absent for VESSA leave shall be restored to the position held by the employee when the leave commenced; or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. If the University would not otherwise have employed the employee at the time reinstatement is requested, the University may deny restoration to employment in accordance with the seniority provisions of the State Universities Civil Service Statute and Rules.

An employee on leave may be required to report periodically to the supervisor or unit head on his or her status and intention to return to work.

An employee who has been absent for medical reasons may be required to obtain a statement from a health care provider that the employee is able to resume work. The unit must provide notice to the employee at the time the leave is approved that a certification

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that they are able to return to work will be required. If the certification will include analysis of the employee's ability to perform essential functions of his/her job, a list of the essential functions must be provided to the employee with the VESSA/FMLA designation notice.

An employee returning from VESSA leave is expected to contact the employing unit at least 30 calendar days in advance of the anticipated date of return from leave, in order to permit the unit to plan for the employee's reinstatement.

11.166 Benefits While on Leave Without Pay

Health Insurance: Coverage of group health and dental insurance shall be continued by the University at the same level that coverage would have been provided if the employee had remained in employment continuously. Employees are responsible for paying the employee-paid portion of their health insurance premiums, as well as dependent coverage premiums. If the employee does not make required payments during the leave period, the CMS-Group Insurance Division (GID) will terminate the member's coverage the first day of the current month. These members are ineligible to continue coverage under COBRA and will not receive a COBRA notification letter (eligible or ineligible). CMS will take action to collect all outstanding premium(s), which may include involuntary withholding.. Employees are to contact the Benefits Service Center for information on changes in status and to arrange for billing prior to their last day of work.

Extension of Other Insurance Coverage: An employee may continue insurance coverage in excess of the University's contribution by contacting the Benefits Center prior to the last day of paid employment to make arrangements for premium payments.

State Universities Retirement System Benefits: To determine the effect of leave on the accumulation of service time for retirement and to assure continuation of contributions, the employee should contact the State Universities Retirement System.

Disability Benefits: In the case of an extended disability due to a serious health condition, an employee may qualify for disability benefits through the State Universities Retirement System. Employees may request an Application for Disability Benefits from the campus/central human resources office. Leave for disability or pending disability counts towards the 12-week VESSA entitlement.

Recovery of Premiums: The University may recover the premiums paid for maintaining coverage for the employee if the employee fails to return from leave for a reason other than

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continuation, recurrence, or onset of domestic or sexual violence or other circumstances beyond the employee's control.

The supervisor may require an employee who is unable to return to work because of the continuation, recurrence, or onset of domestic or sexual violence, to provide, within a reasonable period, certification that they are unable to return to work. Such certification requirements are the same as for the original leave.

Seniority: Seniority will accumulate in accordance with State Universities Civil Service System Statute and Rules 250.120 while on unpaid VESSA leave.

11.167 Use of Accrued Leave Time

Employees have the option to take leave with or without pay. For care of a family member with a serious health condition or injury or for the employee's serious health condition or injury, leave is provided under the terms and conditions of University sick leave policy (Policy 10, Sick Leave). Sick leave used for this purpose will be counted toward the 12-week entitlement (or any part thereof). If an employee's accrued sick leave is exhausted, the employee may elect to use accrued vacation to continue in pay status during the VESSA leave period. Vacation used for this purpose will also be counted toward the 12-week entitlement. Sick leave may not be used for VESSA leave for non-medical reasons. Vacation leave may be used for non-medical reasons. Any portion of the 12-week period for which accrued leave is not charged shall be without pay, and also counted toward the 12-week entitlement.

In addition, employees who exhaust their accrued sick leave balances may be eligible to receive disability benefits through the State Universities Retirement System. Employees who anticipate requiring an extended period of leave should contact the State Universities Retirement System at the same time they apply for use of VESSA/FMLA leave for medical reasons for information concerning benefits eligibility and to minimize any gaps in benefits.

11.168 Extension of Leave Beyond 12 Weeks

Benefits under the VESSA policy expire after 12 weeks of usage. An employee seeking approval of an extension of leave beyond the 12-week VESSA leave entitlement shall present a written request to his or her supervisor, which shall be acted upon pursuant to departmental procedures and in accordance with University policies related to leaves of absence.

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11.169 Nondiscrimination

The University will not discriminate or otherwise harass or retaliate against any employee with respect to the compensation, terms, conditions or privileges of employment because the individual is or is perceived to be a victim of domestic or sexual violence; attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the individual or a family or household member was a victim; or requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, or assistance in documenting domestic or sexual violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic or sexual violence; or the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic or sexual violence against the individual or the individual's family or household member.

11.170 Reasonable Accommodation

Within the provisions of VESSA, a reasonable accommodation will be made for a qualified employee or applicant when there are limitations resulting from circumstances that relate to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence.

A reasonable accommodation must be made in a timely fashion. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.

11.171 Questions

Employees should discuss questions or disagreements about VESSA leave with their immediate supervisors. If concerns are not resolved at the supervisory level, the unit head should review the issues. If the unit head is unable to resolve the issue, the dean or director should be consulted. Should questions remain, the campus/central human resources office will provide assistance to both the employee and the unit.

Interpretation of specific requirements of the Illinois Victims Economic Security and Safety Act policy is subject to provisions contained in the full text of the Act. Questions regarding the provisions of VESSA and the Illinois Department of Labor Regulations for its implementation should be directed to the campus/central human resources office.