== 230 Leaves of Absence

You can request and may be granted limited leaves of absence. You must make a request for a leave of absence reasonably in advance of the day the leave will begin, unless precluded by emergency conditions. Bargaining unit employees must use the provisions of the appropriate collective bargaining agreement.

Requests for a non-medical leave of absence must be submitted in writing and requests for a medical leave of absence may be submitted in writing; however, a medical leave of absence must include appropriate supporting documents. The Employee Absence Request/Report Form (HFS 2053) must be completed and approved to cover absences until the payroll office has processed and suspended entry for the leave of absence.

Following are descriptions of the most common Leaves of Absence; however, it is not an all-inclusive list.

== 230.1 Types of Leaves of Absence

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A. Educational Leave

You may be granted a leave of absence for the purpose of obtaining education or training that improves your qualifications to perform the duties of your job. You must submit a copy of an acceptance letter from the educational or training institution showing your enrollment.

B. Leave for Military Service

1. Active Military Service

All employees, except temporary and emergency employees, may be granted a leave of absence of up to five years to enter active military service. If additional service is required by law, the leave may be extended. You must submit a copy of the orders requiring military service.

2. Leave for Military Reserve Training and Emergency Call-up:

A full-time employee who is a member of a reserve component of the United States Armed Services, the Illinois National Guard, or the Illinois Naval Militia is granted a leave of absence with pay and without loss of seniority or other accrued benefits to fulfill the annual training obligation. The employee also will be granted leave for any other period actively

spent in military reserve training, whether or not voluntary. During leaves for basic training and for up to 60 days of special or advanced training, the employee receives their regular pay as a state employee less military base pay, if the regular pay exceeds the military pay.

If you are called-up in an emergency or ordered to state active duty by the Governor, leave with pay and without loss of seniority or other accrued benefits is granted for the duration of the emergency. Military pay for the emergency call-up must be paid to the department. If the military pay exceeds your state pay, the department returns the difference to you.

All military leaves must be documented by orders.

C. Leave for Peace Corps or Job Corps Service

If you volunteer and are accepted for service in the Peace Corps or Job Corps, you may be granted a leave of absence for the duration of the initial period of service.

D. General/Personal Leave

You may be granted a leave of absence of up to six months for general or personal reasons. The leave may be extended for 6-month periods with good cause.

E. Leave for Exempt Position

As a certified employee, you may be granted a leave of absence of up to one year to accept a position in state employment that is exempt from Jurisdiction B (merit and fitness) of the Personnel Code. The leave may be extended for one year periods.

F. Family and Medical Leave Act (FMLA)

The following statement sets out the Family and Medical Leave Act of 1993 policy of Healthcare and Family Services (HFS):

If you have been employed by the State for at least twelve (12) months and you have worked at least 1,250 hours during the 12-month period preceding the start of the leave, you are eligible for unpaid leave up to a total of twelve (12) workweeks (or up to a total of twenty-six (26) workweeks for Military Caregiver leave) during any rolling twelve (12) month period for one or more of the following reasons:

a. Because of the birth of your child and in order to care for such child (within 12 months after the birth of the child);

b. Because of the placement of a child with you for adoption or foster care (within 12 months of the placement of the child);

c. In order to care for your immediate family member if they have a "serious health condition;" or

d. Because of a "serious health condition" that makes you unable to perform the functions of your job; or

e. Because of a qualifying exigency arising out of the fact that your spouse, child or parent is a covered service member is on active duty or has been called to active duty; or

f. In order to care for a covered service member undergoing treatment, recuperation or therapy for a serious injury or illness that occurred any time during the five years preceding the date of treatment.

The federal law provides for FMLA leaves of absence to be unpaid. However, you may qualify for additional benefits under other State leave policies. If your spouse also works for the State and you both become eligible for a leave under paragraphs a. or b. above, or for the care of a sick parent under paragraph c. above, the two of you together will be limited to a combined leave total of twelve (12) workweeks in any rolling 12 month period. This limitation also applies to the twenty-six (26) workweeks under the Military Caregiver leave in any rolling 12-month period.

Coordination with Other Policies - You will be required to use your available paid sick leave during your FMLA absence (except for an approved Family Responsibility Leave of Absence or a VESSA leave of absence) prior to use of other available benefit time or being placed in unpaid status. This means that you will receive your paid sick leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement. Vacation and personal business leave use policies are to be followed for requesting and using accrued paid vacation day(s) or personal business leave as a substitution for unpaid leave under this policy and any such paid time off must be taken concurrently with your Family and Medical Leave. If you otherwise qualify for disability pay or other leave benefits, you will collect it at the same time you are on Family and Medical Leave. Similarly, if you otherwise qualify for any other type of leave of absence, that leave must be taken concurrently with your Family and Medical Leave. All time missed from work that qualifies for both Family and Medical Leave, and

for workers' compensation, will be counted toward your 12 weeks of FMLA leave.

Certification Form - Requests for a leave must be supported by completion of the appropriate Certification of Health Care Provider for Employee's or Employee's Family Member's Serious Health Condition, Certification for Serious Injury or Illness of Covered Servicemember or Certification of Qualifying Exigency. You may obtain a certification form from your supervisor, division personnel office or agency FMLA coordinator.

At its discretion, HFS may require a second medical opinion and periodic re-certification to support the continuation of FMLA protection. If the first and second opinions differ, a third opinion can be obtained from a health care provider jointly approved by both you and HFS.

Serious Health Condition - For purposes of this policy, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

a. **Hospital Care** - Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or

b. **Absence Plus Treatment** - A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves either: 1) treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or 2) treatment by a health care provider on at least one occasion within 7 days of the first day of incapacity which results in a regimen of continuing treatment under the supervision of the health care provider; or

c. **Pregnancy** - Any period of incapacity due to pregnancy, or for prenatal care; or

d. **Chronic Conditions Requiring Treatment** - A chronic condition which requires treatment at least twice a year by a health care provider; and may cause episodic rather than a continuing period of incapacity; or

e. **Permanent/Long-term Conditions Requiring Supervision** - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member

must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or

f. **Multiple Treatments (non-chronic conditions)** - Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Intermittent Leave - If certified as medically necessary for the serious health condition of either you or qualifying family member, leave may be taken on an intermittent or reduced schedule. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition, the employer may require, subject to bargaining unit contracts, the employee to transfer temporarily, during the period of the intermittent or reduced leave schedule, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

Notification and Reporting Requirements - You can request and may be granted limited leaves of absence. You must make a request for a leave of absence reasonably in advance of the day the leave will begin, unless precluded by emergency conditions. Bargaining unit employees must use the provisions of the appropriate collective bargaining agreement.

If you miss more than 14 days, you will be required to present a physician's statement which releases you to return to work. If this is required, but not received, your return to work may be delayed until the statement is provided. Your maximum time on FMLA leave of absence cannot exceed a total of twelve (12) weeks in a rolling twelve-month period. Your failure to either return to work on the scheduled date of return or to apply in writing for an extension prior to that date may result in discipline up to and including discharge.

Your FMLA leave of absence will not affect the continuity of your employment. Your original date of employment remains the same for seniority purposes. However, you will not accrue any benefits during the period you are on FMLA leave, except as provided by another leave policy.

Employee Benefits During Family and Medical Leave of Absence - You will be permitted to maintain health insurance coverage for the duration of the FMLA leave under the same conditions coverage would have been provided if you had remained actively at work. However, you must make arrangements for the continuation of and payment of your portion of insurance premiums before you go on unpaid leave status. If you do not return to work after the leave, or if you fail to pay your portion of the premiums, you will be required in most cases to reimburse the State for the premiums paid to insure you during the leave.

Return from Family and Medical Leave - Upon return from leave which has extended no longer than a total of twelve (12) workweeks in a rolling twelve (12) month period, you will be restored to the same or to an equivalent position as the one you held when the leave started. Of course, you have no greater right to reinstatement or to other benefits and conditions of employment than if you had been continuously employed during the FMLA leave period. If the leave was due to your own serious health condition, you will be required to submit a release from your health care provider stating that you are able to return to work. If you fail to return to work at the expiration of your approved Family and Medical Leave, it may result in discipline up to and including discharge.

Certain highly compensated key employees may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to State operations. A “key” employee is a salaried employee who is among the highest paid 10% of employees at that location, or any location within a 75-mile radius. Employees will be notified of their status as a key employee, when applicable after they request a Family and Medical Leave. The State will notify a key employee if it intends to deny restoration or employment upon completion of leave.

An Employee shall not be granted FMLA leave of absence for the purpose of seeking or taking employment elsewhere or operating a private business. Unauthorized work while on a leave of absence will result in disciplinary action, up to and including discharge.

In the event there is a conflict between this section and the Family and Medical Leave Act, the Act shall prevail.

G. Maternity or Paternity Leave

Female employees, spouses of male employees or female partners of non-married male employees who provide proof of their pregnancy at least 30 days prior to the expected due date will be eligible for four weeks (20 days) paid maternity leave. Employees must submit the HFS 3602 form,

Certification of Pregnancy and Expected Due Date signed by their physician to the Division of Personnel and Administrative Services within the required timeframe. Non-married male employees may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity.

Employees will be eligible for four weeks (20 days) paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided that the member can show that the formal adoption process is underway. The agency personnel office must be notified and the member must submit proof that the adoption has been initiated.

Maternity and/or Paternity Leave shall be limited to one leave per family for each pregnancy resulting in birth or multiple births. Adoption leave shall be limited to one leave per family per year. The Maternity or Paternity Leave normally occurs during the weeks following birth. The leave is for consecutive workdays and may not be broken up over a period of time. Any holidays occurring within the consecutive workday period are credited as holidays, not as part of the Maternity or Paternity Leave. Leaves under this section shall also be granted in cases of a full term still born child.

The leave should occur before the start of any Retirement System disability benefits for which you may be eligible. If you are already on leave of absence at the time of childbirth, you may receive the Maternity or Paternity Leave after termination of the disability leave and before returning to work. You cannot receive disability benefits and Maternity or Paternity Leave at the same time.

Part-time employees may be eligible for Maternity or Paternity Leave. The leave is prorated based on the percentage of time worked each week. For example, employees working 50% of a day are eligible for 75 hours Maternity Leave rather than four weeks. The same prorated benefit applies to employees eligible for a Paternity Leave.

After the form is completed, submit a copy of the form or evidence to your immediate supervisor. You must submit the original form or evidence to the Division of Personnel and Administrative Services.

Where the mother of the child is not covered by a state health plan, or in case of adoption, the father of the child shall submit to the Division of Personnel and Administrative Services a copy of his marriage license and a copy of either the child's birth certificate or proof of adoption.

The Division of Personnel and Administrative Services approves or denies requests for Maternity/Paternity Leave. A request cannot be approved if the HFS 3602 form is not on file.

H. Leave for Union Office

The department shall grant requests for leaves of absence for not more than 30 bargaining unit employees at any one time for the purpose of service as AFSCME representatives or officers with the International, State, or Local organization of the Union for up to a maximum of two years each, provided the requests for such leave are normally made a minimum of five working days prior to the effective date of the leave and the granting of such leave will not substantially interfere with the department's operations. Such leaves shall be in increments of no less than one month. The number and length of such leaves may be increased or decreased by mutual agreement of the parties. Leaves currently in effect shall be extended for the duration of the Agreement if so requested.

I. Non-Service Connected Disability Leave

If you are deemed unable to perform a substantial portion of your regularly assigned duties due to a temporary physical or mental disability, you may be granted a leave for the duration of the disability. You must request the leave in writing and provide to your supervisor a signed Physician's Statement which indicates the diagnosis of the illness, the estimated duration of your leave and the prognosis of the treatment.

J. Service Connected Disability Leave

If you suffer an on-the-job disability, including contracting a service-connected disease, you may be granted a leave for the duration of the disability. You must request the leave in writing and provide to your supervisor a signed Physician's Statement which indicates the diagnosis of the illness, the estimated duration for your leave and the prognosis of the treatment. This type of leave must be coordinated through the Agency's Workers' Compensation Coordinator within the Division of Personnel and Administrative Services.

Employees who are unable to perform their regular duties for a period of more than sixty (60) calendar days, shall be assigned to light duty provided it is determined a suitable light duty assignment is available and the treating physician indicates in writing, the employee is capable of returning to work by performing light duty and that the employee will likely be able to return to full duties within 120 days of the employee's evaluation.

K. Disaster Service Leave

If you are a certified disaster service volunteer of the Red Cross, you may be granted a leave with pay for up to 20 working days in a 12-month period for disasters within the United States or its territories. The disaster must be designated at a Level III or above. Leaves under this section require approval in advance of the leave by the Administrator of the Division of Personnel and Administrative Services. This type of leave does not apply if you are a temporary, emergency or per diem status employee.

L. Elected Official Leave

If you are elected to a position for a term of office, you may be granted a leave of absence for the duration of the elected term.

M. Family Responsibility Leave

Permanent, full-time or part-time employees may be granted a leave of absence up to one year to provide care, full-time supervision, custody or non-professional treatment for a member of the employee's immediate family or household. A family responsibility leave may not be granted more than once for the same reason. An intermittent employee shall not be scheduled for the duration of the required leave. Employees shall not be required to use any accumulated benefit time prior to taking Family Responsibility Leave.

N. Victims' Economic Security and Safety Act

The Victims' Economic Security and Safety Act provides that if you are a victim of domestic or sexual violence, or have a family or household member who is a victim of domestic or sexual violence, you may take up to a total of 12 workweeks of leave during any 12 month period to address the domestic or sexual violence. You must request the leave in writing at least 48 hours in advance, unless providing such notice is not practicable. You may be required to provide certification to be granted leave under this Act.

Paid leave is not required under this Act; however, you may elect to substitute available ABT for an equivalent period of leave provided under this Act. You shall maintain group health benefits during the leave period at the level and under the conditions for which coverage would have been provided if you had continued in employment continuously for the duration of such leave.

230.2 Extensions of Leaves of Absence

You may be granted an extension of a leave of absence by submitting a request before the expiration of the original leave. The Division of Personnel and Administrative Services will notify you by certified mail of the end date of the leave approximately one month before the end date. If you wish to extend your leave of absence, follow the instructions in the letter received from the Division of Personnel and Administrative Services.

230.3 Returns from Leaves of Absence

A. Return from Active Military Service Leave

If you return within 90 days after separation from active duty or from a hospitalization continuing after discharge of not more than one year, you are restored to the same or similar position you held before the leave.

B. Return from Peace Corps or Job Corps Leave

If you return within 90 days after termination of service or release from hospitalization for a service-connected disability, you are restored to the same or similar position you held before the leave.

C. Return from Leave to Accept Exempt Position

If you return from a leave of absence to accept an exempt position, you are restored to the same or similar position you held before the leave. The rights of an employee who is on leave of absence from a position that is subject to a term appointment are governed by the term appointment provisions. If the employee is not reappointed based on those provisions, the employee's rights end.

D. Employees Not Covered by A Labor Contract

If you return from a leave of absence of six months or less, you are restored to the same or similar position you held before the leave. Except for Active Military Service, Peace Corps, and Jobs Corps leaves, when you return from a leave of six months or more and there is no vacant available position in the same class you held before leave, you may be laid off based on established procedures.

230.4 Failure to Return from Leaves

Failure to return from leave or to contact your supervisor within five working days after the date the leave ends, may be cause for discharge.