

**Section 212.286 Leaves of Absence**  
**EMERGENCY**

a) Types:

- 1) **Illness:** An employee who has expended his accumulated sick leave may be granted a leave without pay, provided that he submits a required statement from an appropriate health care provider setting forth the reasons for the employee's inability to work. The leave may continue for an appropriate period approved by the Executive Director provided that an appropriate health care provider's statement is submitted within the first ten calendar days of each month during the leave. The Office shall continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on illness leave until expiration of authorized leave and return to active service, but not to exceed twenty-four months. Failure to submit a statement from an appropriate health care provider within the first ten days of each month during the leave could result in termination of the leave.
- 2) **On the Job Injury and Service Connected Disease:** An employee who suffers an on-the-job injury or contracts a service-connected disease shall provide notice to the Director and the Director of Administrative Services and be allowed full pay during the first five working days of absence without utilization of any accumulated sick leave or other benefits. Thereafter, the employee shall be permitted to utilize accumulated sick leave or other benefits unless the employee has applied for and been granted temporary total disability benefits in lieu of salary or wages pursuant to provisions of the Workers' Compensation Act [820 ILCS 305/1 *et seq.*] or through the State's self-insurance program. In the event the service-connected illness or on-the-job injury becomes the subject of payment benefits provided in the Workers' Compensation Act by the Illinois Workers' Compensation Commission, the courts, the State self-insurance program or other appropriate authority, the employee shall restore to the State the dollar equivalent which duplicates payments made as sick leave or other accumulated benefit time, and the employee's benefit accounts shall be credited with leave time equivalents. Employees whose compensable service connected injury or illness requires appointments with a doctor, dentist or other professional medical practitioner shall with supervisor approval be allowed to go to such appointments without loss of pay and without utilization of sick leave.
- 3) **Family and Medical Leave**
  - A) **Eligibility:** Employees who have been employed by the Office for at least twelve months and have worked at least 1,250 hours during the twelve months prior to the start of the FMLA leave are

entitled to up to twelve workweeks leave in any twelve month period for one or more of the following reasons:

- i) because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
- ii) because of the placement of a son or daughter with the employee for adoption or foster care;
- iii) to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter or parent has a serious health condition;
- iv) because of a serious health condition that makes the employee unable to perform the function of the position of such employee.

Spouses employed by the Office may be limited to a combined total to twelve workweeks of family leave for the birth and care of a child, placement of a child for adoption or foster care, or to care for an employee's parent who has a serious health condition.

- B) Use: The entitlement to leave under subsection (a)(3)(A)(i) and (iii), above, expires at the end of the twelve month period beginning on the date of the birth or placement of a son or daughter. The entitlement to leave under subsection (a)(3)(A)(iii) and (iv), above, may be taken intermittently when medically necessary and when scheduled so as to not unduly disrupt the Office's operations.
- C) Benefits: Family and Medical Leave shall be unpaid. Accrued sick and vacation leave may be applied to the above periods of absence at the employee's option. The Office shall continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on family and medical leave.
- D) Restoration: Employees who take leave under this subsection (a)(3) shall be returned to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment as held by the employee when the leave commenced.
- E) Optional Extension: Family and Medical Leave may be extended up to a total of six months in any twelve month period at the discretion of the Executive Director.
- F) Notice and Certification: An employee shall provide the Office with not less than thirty days' notice of the employee's intent to take Family and Medical Leave, or such other notice as is practical

under the circumstances. Documentation supporting the reasons for taking a leave may be required. The Office may obtain a second opinion from a health care provider of its choosing. Authorization from an appropriate health care provider to return to work may be required.

- G) The terms and conditions of Family and Medical Leave shall be governed by the Federal Family and Medical Leave Act of 1993.
  - H) In determining whether a veteran meets the FMLA eligibility requirement, the months employed and the hours that were actually worked for the Office shall be combined with the months and hours that would have been worked during the twelve months prior to the start of the leave requested but for the military service.
- 4) **Administrative Leave:** The Executive Director may grant administrative leaves of absence to employees for purposes deemed appropriate. The Executive Director shall determine the duration of the leave and whether the leave shall be with or without pay, full or partial, and with or without State-paid benefits.
  - 5) **Excused Absence:** An employee may be granted an excused absence with pay upon the approval of the Director to whom the employee reports.
  - 6) **Military, Job Corps and Peace Corps Leaves:** Leaves of absence shall be allowed employees who enter military service, the Peace Corps or the Job Corps as provided below and as may be required by law.
    - A) **Military Service Leave:** Leave of absence without pay shall be granted to all employees who leave their positions and enter military service for four years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making application to the Executive Director within ninety days after separation from active duty or from hospitalization continuing after discharge for not more than one year. The employee must provide evidence of satisfactory completion of training and military service when making application for reinstatement and be qualified to perform the duties of the position. Continuous service and reemployment rights for veterans subject to federal law shall be as provided in the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301-4333).
    - B) **Military Reserve Training Leave:** Any full-time employee of the Office, other than an independent contractor, whose is a member of any reserve component of the United States Armed Forces or of

any reserve component of the Illinois State Militia, shall be granted leave from Office employment for any period actively spent in such military services, including:

- i) basic training;
- ii) special or advanced training, whether or not within the State and whether or not voluntary; and
- iii) annual training.

During such leaves, the employee's seniority and other benefits shall continue to accrue. During leaves for annual training, the employee shall continue to receive his regular compensation as a State employee. During leaves for basic training and for up to sixty days of special or advanced training, if such employee's compensation for military activities is less than his regular compensation as a State employee he shall receive his regular compensation as a State Employee minus amount of his base pay for military activities.

- C) State Active Duty/Emergency Call Up: Any member of the National Guard employed by the Office whose absence from a position of employment is necessitated by reason of being called to State Active Duty, whether or not voluntary, shall be entitled to reemployment rights and benefits and other employment benefits as provided under the Illinois National Guard Employment Rights Law [20 ILCS 1805/30.1 *et seq.*] or any other applicable State law, regulation or policy. Except as otherwise provided by law, a member entitled to reemployment upon completion of a period of State Active Duty shall be promptly reemployed in the position of employment which he left with the same increases in status, seniority and wages that were earned during his period of State Active Duty by employees in like positions who are on the job at the time the returning member entered State Active Duty, or to a position of like seniority, status and pay, unless the Office's circumstances have so changed as to make it impossible or unreasonable to do so. Any member of the National Guard who is reemployed or seeks reemployment to a position of employment under this subsection shall be considered as having been on furlough or leave of absence during his State Active Duty and shall be reemployed without loss of seniority and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices related to employees on furlough or leave of absence in effect at the time the member entered State Active Duty.

- D) Active Duty Pay: Any full-time employee of the State of Illinois, other than an independent contractor, who is a member of the Illinois National Guard or a reserve component of the United States Armed Forces or the Illinois State Militia and who is mobilized to active duty shall continue during the period of active duty to receive his benefits and regular compensation as a State employee, minus an amount equal to his military active duty base pay. The terms and conditions of active duty leave shall be as determined by the Department of Central Management Services and the State Comptroller. Employees on active duty leave retain all rights to reemployment benefits, including insurance.
  - E) Certification of Leave: To be eligible for military leave or emergency call-up pay, the employee must provide certification from the commanding officer of his unit that the leave taken was for either such purpose.
  - F) Leave for Military Physical Examinations: Any employee drafted into military service shall be allowed up to three days leave with pay to take a physical examination required by such draft. Upon request, the employee must provide the Office with certification by a responsible authority that the period of leave was actually used for that purpose.
  - G) Peace Corps or Job Corps Enrollees Continuous Service: Any employee who volunteers and is accepted for service in the overseas or domestic Peace Corps or Job Corps shall be given a leave of absence from his or her State employment for the duration of his initial period of service. The employee shall be restored to the same or similar position provided that the employee returns to his employment within ninety days of the termination of his service or release from hospitalization for a Peace Corps or Job Corps service-connected disability in which case a physician's statement shall be provided to the Office.
  - H) Veterans Hospital Leave: An employee who is also a veteran shall be permitted two days with pay per year to visit a veteran's hospital for examination of a military service-connected disability. The two days shall not be charged against any sick leave currently available to the employee.
- 7) Disaster Service Volunteer Leave: Any employee who is a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Act, the Emergency Management Assistance Compact Act, or other applicable administrative rules may be granted

leave from work with pay for not more than twenty working days in any twelve month period to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency, as the case may be, upon the request of the American Red Cross or the Illinois Emergency Management Agency for the services of that employee and upon the Executive Director's approval the employee shall be granted disaster service volunteer leave without loss of seniority, pay, vacation time or any other employee benefit.

- 8) Attendance in Court: Any employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent minus the amount paid for mileage, to the Fiscal Office to be returned to the fund in the State Treasury from which the original payroll warrant was drawn; provided, however, an employee may elect to fulfill such call or subpoena on accrued time off and retain the full amount received for such service.
- 9) Maternity/Paternity and Adoption Leave
  - A) All female employees who show proof that they have received prenatal care in the first twenty weeks shall be eligible for four weeks (twenty work days) paid maternity leave. Proof shall be provided to the Office no later than the twenty-fourth week of pregnancy. All male employees who show proof that their spouses have received prenatal care in the first twenty weeks, with notification to the Office within twenty-four weeks, shall be eligible for three weeks (fifteen work days) of paid paternity leave. The Office may require proof of the birth and marriage for a non-covered spouse. Maternity and/or paternity leave shall be limited to one leave per family for each birth. If both spouses are employed by the State they are limited to one Maternity/Paternity Leave per birth and care of a child, and/or placement of a child for adoption or foster care.
  - B) All employees are eligible for three weeks (fifteen work days) of paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the employee, provided that the employee can show that the formal adoption process is underway. The Office must be notified, and the employee must submit proof that the adoption has been initiated. Adoption leave shall be limited to one leave per family per year.
- 10) Educational Leave: The Executive Director may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless in the Executive

Director's judgment the training course would benefit the Office by improving the employee's qualifications to perform the duties of the employee's position in Office Service. During a period of educational leave, only State-paid health benefits and life insurance benefits shall continue as provided under Section 10 (c) of the State Group Insurance Act [5 ILCS 375/10 (c) ].

- 11) Organ Donor/Blood Donor Leave: Upon request and approval by the Office, an employee may be entitled to organ donor and/or blood donor leave with pay as follows:
  - A) up to thirty days of organ donation leave in any twelve month period to serve as a bone marrow or organ donor. Medical documentation of the proposed organ or bone marrow donation shall be required before the leave is approved by the Director;
  - B) up to one hour to donate blood every fifty-six days. Medical documentation to substantiate the use of leave time for this purpose may be required;
  - C) up to two hours to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross or other nationally recognized standards. Leave to donate blood platelets may not be granted more than twenty-four times in a twelve month period.

An employee may not be required to use accumulated sick or vacation leave time before being eligible for leave under this subsection. Medical documentation to substantiate the use of leave time for these purposes may be required.

- 12) Leave Due to Domestic or Sexual Violence: An employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may be entitled to take up to twelve workweeks of unpaid leave during any twelve month period for the purposes and under the terms and conditions provided in the Victims' Economic Security and Safety Act [820 ILCS 180/1 *et seq.*] and implementing regulations (56 Ill. Adm. Code 280).
- b) Employee Rights After Leave: When an employee returns from a leave of absence of six months or less, the Office shall return the employee to the same or similar position in which the employee was incumbent prior to the commencement of such leave provided that all requirements for substantiation of use of leave or physical fitness have been furnished and that application for

reassignment is made within the specified time limit of the leave. When an employee returns from a leave of absence exceeding six months in duration, other than leave of absence granted under subsection (a)(6) above, and there is no vacant position in the same position classification in which the employee was incumbent prior to the commencement of such leave, the employee may be laid off. An employee returning from a leave of absence under subsection (a)(6), above, shall be returned to the same or similar position in which the employee was incumbent prior to the commencement of such leave provided that all requirements for substantiation of use of leave or physical fitness have been furnished, that application for reassignment is made within the specified time limits of the leave, and that the Office's circumstances have not changed so as to make reassignments impossible or unreasonable.

- c) **Failure to Return:** Failure of an employee to return from leave within five working days after the expiration or termination date of a leave, whichever is applicable, may be cause for discharge. Leave shall automatically terminate upon the employee's securing other employment during the leave period. It shall be the employee's responsibility to notify the Director and the Director of Administrative Services of such employment.
  
- d) **Accrual and Retention of Continuous Service during Certain Leaves:** During the following leaves, an employee shall retain and accrue continuous service, provided appropriate application and return is made as required by this Section: family and medical leave, educational leave; administrative leave; military leave; Peace Corps or Job Corps leave; disaster service volunteer leave; or service-connected disability leave.