

Section VII: Leaves of Absences

Village of Oak Park Personnel Manual

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LEAVES OF ABSENCES:

There may be times when extenuating circumstances make it necessary for employees to be absent from work. Employees must contact their supervisor as far in advance as possible on any of the following bases, so that relief arrangements can be made. When an employee takes a leave of absence in accordance with the policies defined in this section and enters into a no-pay status, all fringe benefits, including the accrual of paid time-off, shall be suspended until such time that the employee returns to work. Employees may arrange to continue life insurance and hospitalization coverage through the Village at their expense. Vacation is not earned during a leave of absence unless otherwise required by law.

A. Personal:

When it becomes necessary for employees to be absent from work to attend to personal business which cannot be handled outside of working hours, employees should discuss in advance any such need with their supervisor to obtain approval. A request for a personal leave in excess of one day should be submitted one month in advance whenever possible. Accrued vacation time may be used for such leave. Except for the use of accrued vacation, employees shall not be paid for absences due to personal business reasons.

B. Jury Duty:

An employee shall receive full pay for time lost when serving on a jury. Any fees received by the employee for jury service must be turned over to the Village. Employees should inform their supervisors when the initial notice of impending service is received. Employees should check with their supervisor promptly upon their release from the courts.

C. Bereavement Pay:

In the event of a death in the employee's immediate family, the Department Head may grant a maximum of three (3) consecutive calendar days off with pay. "Immediate family" shall mean the spouse, domestic partner, children, mother, father, sisters, and brothers of employees or their spouse, or domestic partner whether natural, step, in-law, or grand.

In addition, a maximum leave of three consecutive calendar days may be granted in the case of a death of a person who is a household member but who is not defined as "immediate family".

a. Family Bereavement Leave Pay (FBLA):

Employees are entitled to a maximum of 2 weeks (10 workdays) of unpaid leave time in the event of:

- the death of a "covered family member;"
- a stillbirth;
- a miscarriage;
- an unsuccessful reproductive procedure;
- a failed adoption match or an adoption that is not finalized because it is contested;
- a failed surrogacy agreement; or
- a diagnosis that negatively impacts pregnancy or fertility.

A "covered family member" is an employee's spouse, domestic partner, children, mother, father, sisters, and brothers of employees or their spouse, or domestic partner whether natural, step, in-law, or grand. Employees are entitled to a maximum of 6 weeks of leave if they experience more than one event during a 12-month period.

Employees may use FBLA leave time to:

1. grieve;
2. attend the funeral or alternative to a funeral of a covered family member; or
3. make arrangements necessitated by the death of the covered family member.

FBLA leave time must be completed within 60 days after the date the employee receives notice of the event. Employees must give at least 48 hours' notice before taking FBLA leave, unless not reasonable or practicable. The FBLA request form may be found on the Village intranet.

Reasonable documentation must be provided for FBLA leave. Documentation may include a death certificate or published obituary.

To be eligible for FBLA leave an employee must have worked at least 1,250 hours of service during the prior 12-month period. FBLA leave may not be taken in addition to unpaid leave permitted under the Family and Medical Leave Act (FMLA), 29 U.S.C. 2601 et seq., and may not exceed unpaid leave time allowed under the FMLA (Appendix X).

D. Military: (Update to reflect current law)

Any employee, other than short term employees who leaves active employment for military duty will be granted a Leave of Absence without pay except as provided below. Upon completion of military duty and subject to the conditions set forth below, employees who are still qualified to perform the duties of the position of employment which they left will be immediately reinstated in the

employee's former job classification, with the same increases as earned by employees who are in like positions, unless circumstances of the Village have so changed as to make it impossible or unreasonable to do so. No vacancy shall be held open for more than the prescribed time limits set forth below. If employees do not accept reinstatement to their former positions at the conclusion of their leave of absence within the appropriate prescribed time limit set forth below, the right to future employment with the Village shall be forfeited. Reinstatement of employment will be provided if the following conditions are met:

1. Application for re-employment is made within ninety days after honorable discharge, satisfactory completion of active service, receipt of certification of rejection for the military, or hospitalization continuing after discharge for a period of not more than one (1) year.
2. Application for re-employment is made within thirty-one (31) days after completion of initial active duty training by Reservist or National Guard member.
3. Members of a military reserve unit of the United States or State of Illinois must report back to the Village for their first regularly scheduled work period after release from performing training duty or rejection before performing any active duty and after the passage of the time necessary for travel and any other factors beyond their control.
4. Employee's voluntary period of enlistment or recall to active duty does not exceed four (4) years, plus a one (1) year additional voluntary extension of active duty if this is at the request and for the convenience of the Government. This time period is exclusive of time spent on initial active duty training.

Any employee who is a member of a military reserve unit of the United States or State of Illinois and who attends special training assignments shall be given leave without pay. This special leave shall in no way affect vacation, sick leave or other emergency leave benefits of the employee's job status. The Village may request a certification stating the length of encampment.

Employees who are ordered to active duty will continue to be paid the differences between their Village salaries and their military pay, minus standard deductions, while they remain on active duty, vacation leave, sick leave and other benefits will not be adversely affected.

E. Sick Leave:

1. The Village shall grant sick leave to an employee who is unable to report to work due to non-work related illness or any non-work related physical injury or condition which prevents the employee from effectively performing duties of the employee's job or related restricted duty, if available.
2. One purpose of sick leave is to financially assist those employees who experience illnesses of several weeks' duration. Employees are, therefore, encouraged to

accumulate their leave to limit the need for placement on a sick leave - no pay status. Employees may accumulate a total of 240 days which equals one (1) year.

- 3. In addition, retiring employees who are members of I.M.R.F. can "qualify for maximum of one (1) year of additional pension service credit for unpaid, unused sick leave, at the rate of one (1) month for every twenty (20) days of unpaid unused sick leave or fraction thereof," up to twelve (12) months (240 days).

- 4. Full-time employees hired before March 31, 1997, become eligible for sick leave pay immediately upon employment to the extent earned under the following formula:
 - a. Commencing with the starting date of employment through the first six months of service, an employee earns one sick day per month. This is earned after each month.

 - b. After six months of service through two years of continuous service, the employee is eligible for three weeks of sick leave (15 days), credited at the beginning of each year.

 - c. After two years of service through five years of continuous service, the employee is eligible for six weeks of sick leave (30 days), credited at the beginning of each year.

 - d. After five years of service or more, the employee is eligible for thirteen weeks of sick leave (65 days), credited at the beginning of each year.

 - e. Suspected abuse of sick leave will be addressed through the Village progressive discipline process.

- 5. All employees hired after March 31, 1997 shall accrue sick leave at the following rate:

<u>Years of Service</u>	<u>Days of Accrual</u>
1 - 5	Fifteen (15)
6 - 10	Twenty (20)
11 - 15	Twenty-five (25)
16 or more	Thirty (30)

- 6. To be considered eligible for sick leave compensation due to a non-work illness or injury, employees must adhere to the following Village of Oak Park procedures:

- a. Employees must notify their supervisor by telephone within one-half hour after the workday begins. When notifying the supervisor, employees must indicate what illness and/or injury prevents them from reporting to work, when they will be able to return to work and identify the location from which they will be recovering and a telephone number at which they can be reached during their recovery.
- b. Employees must keep their supervisor informed of their condition each subsequent day of absence after the initial one.
- c. The Department Head may require an employee to produce a statement from a health care professional for any non-service connected illness and/or injury which prevented the employee from reporting to work three (3) or more consecutive workdays or on the second duty day if employed by the Fire Department. The health care statement must state the reasons why an employee was unable to report for work.
- d. Employees who fail to contact their supervisor for three (3) consecutive workdays as described above are considered to have voluntarily resigned. An employee may be reinstated only upon demonstrating extenuating circumstances to the Village Manager. Medical certification may also be requested by the Village when an employee experiences multiple illnesses of shorter periods and absences due to illness and/or injury on the day of, before, or after a holiday or vacation.
- e. As mutual protection for the employee and the Village, the Human Resources Director may require an employee to submit to a physical examination by a Village designated physician when in the Human Resources Director's opinion; the performance of the employee has become limited or weakened by impaired health. The physical examination will be performed at the Village's expense. The Human Resources Director may require the employee to conform to the physician's recommendations as a condition of continued employment with the Village.
- f. Employees who are absent from work due to illness the day before and/or the day after a holiday or their scheduled vacation shall not be eligible for Sick Leave compensation for the absence(s) unless the absence(s) is approved by the Department Head. Employees who become injured or ill and not able to work while on vacation must continue their scheduled vacation time before going on sick leave.
- g. Sick Leave may be used for preventative medicine or treatment which requires the employee to take time off during normal working hours to see doctors, receive hospital or clinical service, dental care, or any other similar medical attention which cannot be reasonably scheduled outside of working

hours. The granting of sick leave for these reasons is within the discretion of the Department Head and may be denied, depending on staffing levels of the department or when such requests have been excessive as determined by the Department Head.

- h. Employees are not allowed to go into a negative balance for their sick leave accruals.
- i. Abuse or misuse of the Village's attendance and/or sick leave policies could result in discipline up to and including termination.

F. Illness In The Family:

Sick Leave may be provided for illness in the immediate family including a spouse, domestic partner, children, mother, father, sisters and brothers of employees. If one or more of the following circumstances exists:

1. The employee is required to provide health care to that immediate family member.
2. The employee is required to take an immediate family member to a medical facility for care and/or treatment. This includes being present during and immediately after initial care or treatment for a serious medical problem.
3. Requiring the employee to report to work would cause a serious hardship on the family member.

Each situation shall be reviewed by the employee's Department Head. If it is determined that the necessary requirements for leave exists, the Department Head may authorize the use of five working days per calendar year. Under extraordinary circumstances the Village Manager may authorize the additional use of credited sick leave for family illness.

G. Educational:

A regular full-time or regular part-time employee may upon written request to the Department Head and subsequent approval by the Village Manager be granted a Leave of Absence without pay and without the accrual of any benefits to enable an employee to engage in a course of study that will enhance the employee's usefulness to the Village.

To be eligible for such leave an employee must have:

1. Completed at least one year of continuous employment with the Village; and;
2. Used all accrued vacation time.

Requests for a Leave of Absence without pay shall be for a period not to exceed one (1) year in duration. Any request for extension of leave shall be subject to all the requirements of the original request.

Requesting employees shall state the reasons why the request should be granted, the date when the employee desires the leave to begin, and the date of return.

The Village Manager, upon the recommendation of the Department Head, may approve or disapprove such request on the basis of the operation requirements of the Village and the department, availability of temporary substitute employees, the performance and attendance record of the individual, the reason for the request and the potential benefit to the Village.

Employees wishing to take such leaves of absence must realize that all positions in the Village are subject to elimination and that all vacant positions including those vacated by employees on leave may be filled with temporary or permanent employees. Thus, when the employee completes the personal leave, the Village does not guarantee the employee's return to a position with the Village. Such placement will depend on the current needs and circumstances of the Village. Such decisions will be made at the discretion of the Village Manager. The Village will hire the employee to fill the first available vacancy in the employee's job classification after the completion of the employee's leave of absence. If the employee does not accept the first available vacancy, the Village shall have no further obligation to rehire the employee.

When an employee takes a Leave of Absence, all fringe benefits are suspended until such time that the employee returns; however, the employee may arrange to continue insurance coverage benefits (health and life) through the Village at the employee's expense for the duration of the leave.

H. Administrative Leave:

In the case of managerial personnel who are included in Appendix VII attached hereto, it is implicit in the nature of their positions that time beyond the normal work schedule may often be spent on the job. To recognize responsive, responsible and quality performance, the Village Manager may, from time to time, authorize up to five days paid leave with benefits per calendar year. This leave is to be considered a privilege and cannot be accrued or carried over into the next calendar year.

I. NON-FMLA LEAVE OF ABSENCE:

After the exhaustion of a Leave under the Family Medical Leave Act (FMLA) or for reasons that do not qualify under the Family and Medical Leave Policy, an employee may request a leave in the form of a Non-FMLA leave of absence. Non-FMLA leaves of absences may be granted solely at the discretion of the Village Manager. The granting of such leave shall be non-precedential and non-determinative of the outcome of future leave requests.

A request for a Non-FMLA leave of absence must be submitted on a Village "Leave of Absence Request Form" to the Village Manager or designee in advance of the desired leave date. The Village Manager will, in turn, consult with the Director of Human Resources or designee and the employee's department head. An employee may not request a Non-FMLA leave of absence for purposes of seeking

employment elsewhere. Any employee on leave who accepts other employment without the written approval of the Village Manager will be subject to dismissal.

The ability to accommodate a request for a Leave of Absence is determined by:

- a. Village needs;
- b. Departmental/operations work load;
- c. Nature and length of the request;
- d. Employee's job performance; and
- e. Other factors deemed relevant by the Village Manager.

If an employee is permitted a Non-FMLA leave of absence, the Village Manager shall set the time period based on the circumstances in each specific case. It is the employee's responsibility to provide the Village with the appropriate information and documentation as part of the leave request. In addition, an employee may be required to provide documentation from their treating physician to determine if it is appropriate to continue the Leave. The Village has the right to terminate any Non-FMLA leave if it is determined that the employee can or should be performing his or her job with the Village; if abuse of the leave is suspected or by mutual agreement of the Village and the employee.

Benefits shall not accrue during a Non-FMLA Leave of Absence and in no event shall the Non-FMLA leave be permitted to extend beyond one (1) year. Employees on a Non-FMLA leave of absence will be permitted to continue coverage under the Group Health Insurance and/or Life Insurance at their own expense for the duration of the leave, as permitted by the Consolidated Omnibus Budget Reconciliation Act (COBRA) and relevant Village policy.

Employees taking a Non-FMLA leave of absence must utilize all accrued vacation or other applicable paid time off that is available in their accrual bank. Time taken for a Non-FMLA leave of absence will not, unless required by law, be counted as time worked when calculating accruals for vacation, sick leave, or IMRF credits. Employees on leave may be required to contact their Department manager and/or the Human Resources Department to keep them informed of the employee's leave status. Failure to return from any approved Non-FMLA leave of absence shall be considered a resignation which shall be made retroactive to the first day of leave.

Although the Village does not guarantee an employee's reinstatement to any position, the Village will permit the employee to resume original status, if the position is still in existence and vacant when the employee is able to return from leave and the employee currently meets all job requirements at the time of return. If the position no longer exists, or is filled, the Village will make an active effort to place the employee in an open position for which the employee is currently qualified. The Village cannot guarantee that an employee will be placed in position of equivalent compensation upon their return. If a position is not available, the employee may be terminated. An employee's placement in an available, open position for which they are qualified, at the return of a Non-FMLA leave of absence, is solely at the discretion of the Village Manager.

An employee will be required to present a fitness-for-duty medical release upon return from a Non-FMLA leave of absence. If a regular, full-time employee is deemed to be permanently disabled

and/or unable to perform his/her essential job duties even with reasonable accommodation, the employee shall be advised of available disability pension benefits and the fact that the Village will have no alternative but to terminate the employee's employment with the Village. The employee shall be terminated effective the date of such decision by the Village Manager. Any unused, accrued vacation benefits will be paid to the employee upon termination.

J. Police Department Creditable Service Leave:

A regular full-time sworn police officer may upon written request to the Police Chief and subsequent approval by the Village Manager be granted a Leave of Absence without pay and without the accrual of any benefit to enable an officer to serve as an executive of an organization whose membership consists of members of the Oak Park Police Department. To be eligible for such leave a police officer must have:

1. Completed at least ten (10) years of continuous service as a police officer;
2. Used all accrued vacation time; and
3. The leave of absence must qualify as creditable service under Section 3-110 of the Illinois Police Pension Code.

Requests for leave of absence without pay shall be for a period not to exceed one (1) year in duration. The police officer may, however, request extensions of such leave for a maximum period of one (1) year. The total leave, including the original leave and all extensions thereof shall not exceed five (5) years. Any request for extension of leave shall be subject to all the requirements of the original request.

Requesting police officers shall state the reasons why the request should be granted, the date when the officer desires the leave to begin, and the date of return.

The Village Manager, upon the recommendation of the Police Chief, may approve or disapprove such request on the basis of the operation requirements of the Village and the department, availability of substitute police officers, the performance and attendance record of the individual, the reason for the request and the potential benefit to the Village.

Police officers wishing to take such leaves of absence must realize that all positions in the Village are subject to elimination and that all vacant positions including those vacated by officers on leave may be filled with other officers. Thus, when the police officer completes the leave, the Village does not guarantee the officer's return to a position with the Village. Such placement will depend on the current needs and circumstances of the Village. Such decisions will be made at the discretion of the Village Manager. The Village will hire the officer to fill the first available vacancy of the officer's job classification after the completion of the officer's leave of absence. If the police officer does not accept the first available vacancy, the Village shall have no further obligation to rehire the officer.

K. Health and Wellness Incentive Program:

To encourage employee productivity, the Village Employee Wellness Committee may develop and maintain a Health and Wellness Incentive Program for full-time and permanent part-time employees with rules and regulations subject to the approval of the Village Manager. Such voluntary program may include nominal incentives for participation as annually funded through the budget process, including shirts, bags, hats, and certificates for “time off” from work. If earned via participation in the Health and Wellness Incentive Program and subject to the established rules and regulations, an employee may receive not more than one such time off certificate, each six months, for not more than eight hours of time off and such certificate shall contain restrictions for use, and may not be accumulated over time nor exchanged or “cashed in” for wages.

L. School Visitation:

Employees shall be given a total of eight (8) hours during any school year, but no more than four (4) hours on any given day to attend school conferences or classroom activities related to the employee's child.

Such leave may be charged to accrued vacation or compensatory time. Sick leave may not be used for this purpose.

Employees wishing to utilize such leave must provide written request 24-hours before the scheduled school visitation.

M. Temporary Limited Light Duty (TLD):

When the Village Manager determines that it is practicable to do so, the Village Manager in consultation with Department Directors will endeavor to identify and assign temporary limited light duty work (TLD) to an employee who is temporarily unable to perform the essential functions of his or her regular position as a result of a work-related or non-work-related injury or illness. If so identified and assigned, a TLD assignment shall be temporary only and intended to enable the employee to return to his/her regular position as soon as possible.

1. Purpose:

- a. The Village will endeavor to return employees to gainful regular employment as soon as possible by exploring possible TLD assignments; however, the Village does not guarantee the availability of light-duty work.
- b. TLD assignment is not in any manner intended to be a permanent duty assignment.
- c. TLD assignment will be made only if productive work contributing to the efficient and effective operation of Village government is available. A TLD assignment will not be made or continued if the Village Manager determines the assignment would require another employee to perform a substantially disproportionate share of the more difficult or least desirable types of work, or if other relevant circumstances exist.

- d. If TLD work is available, any of the following arrangements may be made:
 - i. The employee may return to his or her regular job with restrictions in duties;
 - ii. The employee may be assigned TLD work within the same department; or
 - iii. The employee may be assigned to TLD or other work in another department.
- e. If there are a limited number of TLD assignment opportunities available, employees recovering from work-related injuries or illnesses may have assignment priority over employees recovering from non-work-related injuries or illnesses.
- f. If there is no TLD assignment available, an employee with a work or non-work-related injury or illness may be required to utilize accrued sick, vacation, personal or compensatory leave time. If the needs of the Village require, and in accordance with applicable law and affected collective bargaining agreements, a replacement may be hired to replace the employee.

2. Procedures:

- a. An employee who may be eligible for a TLD assignment shall provide medical document from the employee's physician that outlines the employee's work limitations and restrictions to the Human Resources Director.
- b. The Human Resources Director shall review the employee's limitations and restrictions and meet with the Department Director to determine if an appropriate TLD assignment is available and/or appropriate.
- c. Each TLD assignment must be approved by the Village Manager.

3. Additional Provisions:

- a. A TLD assignment for an employee recovering from a non-work-related injury or illness shall not generally exceed sixty (60) calendar days. At the end of sixty calendar days, the employee may request to use accrued sick or vacation leave or may request leave without pay.
- b. At the end of the first thirty calendar days of a TLD assignment, an employee must present a current statement from a medical doctor stating the estimated date of the employee's return to regular duty. A TLD assignment may not be continued beyond the first thirty calendar days if the employee does not provide the required medical statement.
- c. Prior to returning to full duty, the employee must provide a statement from a medical doctor that unconditionally releases the employee to perform all essential functions of the employee's position.

- d. A TLD assignment for an employee recovering from a work-related injury or illness shall not generally exceed one hundred eighty (180) calendar days, unless approved in advance by the Village Manager.
- e. From time to time, as requested by the Human Resources Director, an employee on a TLD assignment must present a current statement from a medical doctor indicating an estimated date of the employee's ability to return to full regular duty.
- f. An employee on TLD assignment may be assigned several types of work at various and differing locations and work times, as necessitated by changing medical restrictions, by completion of available work of a particular type, or the ability of the Village to provide or continue a TLD work assignment.
- g. Nothing in this policy is intended to preclude the Village from requiring that an employee see a doctor of the Village's choosing, as permitted by law and at Village expense.
- h. Anything in this policy that may conflict with any provision of Illinois Law related to Workers' Compensation or any other state or federal statute or any applicable Village collective bargaining agreement shall be applied, interpreted and deemed amended so as to be consistent with such laws/agreements. It is Village policy to comply with the ADA, FMLA, and other relevant law with respect to the administration of light duty.

