



LAKE COUNTY FOREST PRESERVES

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Preservation, Restoration, Education and Recreation

DATE: February 6, 2020
MEMO TO: Terry Wilke, Chair
Finance Committee
FROM: Mary E. Kann
Director of Administration

RECOMMENDATION: Approve an amendment to the Procedures section of Personnel Policy 4.8 – Leave of Absence Without Pay.

STRATEGIC DIRECTION SUPPORTED: Leadership

FINANCIAL DATA: There is no financial impact.

BACKGROUND: The Victim’s Economic Safety and Security Act (“VESSA”) currently provides that certain employers are required to offer employees who are victims of domestic or sexual violence, or who are the family or household member of such a victim, up to 12 weeks of job-protected leave in a year as well as reasonable accommodations to address matters involving domestic violence. An amendment to state law expands VESSA’s protections to victims of “gender violence.”

“Gender violence” is defined as an act of violence or aggression satisfying the elements of a criminal offense committed on the basis of a person’s actual or perceived gender, and it includes the threat of such violence. The attached amended Policy 4.8 – Leave of Absence Without Pay, will bring the District’s procedures in compliance with state law.

REVIEW BY OTHERS: Chief Operations Officer, Director of Finance, Manager of Human Resources & Risk, Corporate Counsel.

APPROVAL:

Motion to approve an amendment to Procedure section of Personnel Policy 4.8 – Leave of Absence Without Pay, in the form attached to staff’s February 6, 2020 memorandum.

Date: _____ Roll Call Vote: Ayes:____ Nays:____
 Voice Vote Majority Ayes; Nays:____



4.8 Leave of Absence Without Pay

Effective Date: August 15, 1980

Revision Date: June 14, 1984, December 5, 1985, June 19, 1987, October 8, 1993, May 27, 1994, August 14, 1998, December 14, 2001, June 21, 2002, October 14, 2005, February 7, 2008, April 9, 2013, July 11, 2018, November 7, 2019, [February 6, 2020](#)

Procedure

Victims' Economic Security and Safety Act (VESSA) Leave

1. An employee who is a victim of domestic violence, ~~or~~ sexual assault [or gender violence](#), or who has a family or household member who is a victim of domestic violence, ~~or~~ sexual assault [or gender violence](#), may receive up to twelve (12) weeks of unpaid leave per twelve (12) month rolling time period for the following reasons:
 1. To seek medical attention for, or recovery from, physical or psychological injuries caused by domestic, ~~or~~ sexual [or gender](#) violence to the employee or the employee's family or household member;
 2. To obtain victim services for the employee or employee's family or household member;
 3. To obtain psychological or other counseling for the employee or the employee's family or household member;
 4. To participate in safety planning, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic or sexual violence; or
 5. To seek legal assistance to ensure the health and safety of the victim, including participating in court proceedings related to the violence.

The 12-month "rolling" time period is determined by measuring backwards from the date the employee is placed on leave. In determining eligibility and how much VESSA leave an employee may be entitled to, the District will subtract any VESSA time that the employee used during the preceding twelve months from the 12-week entitlement.

The definition of "family or household member" means a persons related by blood or by present or prior marriage or a person who shares a relationship through a son or daughter.

Time off under VESSA is unpaid unless the employee has benefit time available, and chooses to use that benefit time during his leave. Employees on unpaid VESSA leave accrue no -benefit time. If



the employee qualifies for IMRF disability payments, the employee may use these benefits once the employee satisfies IMRF's waiting period. If the employee stops receiving IMRF disability payments while still on VESSA leave, the leave will be unpaid.

2. Eligibility Requirements. The employee must provide Human Resources with certification that (1) the employee or the employee's family or household member is a victim of domestic, ~~or~~ sexual or gender violence and (2) the leave is for one of the reasons permitted under VESSA (see preceding paragraph). The employee must provide a sworn statement and one of the following:
 1. Documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee's family or household member has sought assistance or;
 2. police or court record or;
 3. other corroborating evidence.

All employees are eligible to apply for VESSA leave, including part-time and introductory employees.

3. Applying for VESSA Leave. Unless it is impractical to do so, the employee must provide Human Resources with at least 48 hours advance notice, of the intent to take VESSA leave. To apply for VESSA leave, the employee should bring the sworn statement and certifying documents (see above) to Human Resources and request and complete a time off request form.

If advance notice is not possible, the employee must provide his sworn statement and application for VESSA leave within five (5) calendar days after leave is requested or the employee is tentatively placed on VESSA leave. The remaining certifying documents must be provided within fifteen (15) calendar days after leave is requested, or the employee is tentatively placed on VESSA leave, whichever occurs first. Once on leave, the employee is expected to remain in regular contact with Human Resources and give periodic updates.

An employee who is eligible or who appears to be eligible for VESSA leave may be placed on VESSA leave by the District even if the employee has not applied for such leave.

4. Intermittent VESSA Leave. Employees may take VESSA leave on an intermittent basis or on a reduced work schedule. Employees needing intermittent leave must attempt to schedule their leave so as to not disrupt the District's operations. The employee's Director may temporarily assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent schedule. The employee's intermittent VESSA leave will be unpaid unless they choose to use accrued benefit time.



5. Reasonable Accommodation. Accommodations will be made in a timely fashion and exigent circumstances will be considered in determining if the accommodation is reasonable. An example of a workplace accommodation is “assistance in documenting domestic, ~~or~~ sexual or gender violence that occurs at the workplace or in- work-related settings”.

5. Benefits Coverage During Leave. While on VESSA leave, employees who are participants in the District’s health plan will remain covered, under the same conditions that applied before the leave began. During the leave, the employee must continue to make the same contributions that the employee made to the plan before the leave began, and failure of the employee to pay the employee share of the health insurance premiums may result in loss of coverage.

6. Reinstatement. Unless there is a basis for denying reinstatement the District reserves the right to place an employee in a different position with equivalent pay, benefits, and other terms and conditions of employment.