

**DATE:** May 5, 2022

**MEMO TO:** Julie Simpson, Chair  
Finance Committee

**FROM:** Mary E. Kann  
Director of Administration

**RECOMMENDATION:** (1) Recommend approval of an Ordinance amending Personnel Policy 4.8 – Leave of Absence Without Pay and (2) approval of amendments to the Procedures Section for Personnel Policy 4.8.

**STRATEGIC DIRECTION SUPPORTED:** Leadership

**FINANCIAL DATA:** There is no immediate financial impact.

**BACKGROUND:** The District’s Leave of Absence Without Pay Policy addresses many different leave types offered by the District. Eligibility for, and the duration of, a leave of absence vary, depending on the nature of the leave and are often defined by law.

The Illinois Victims' Economic Security and Safety Act (VESSA) was amended as of January 1, 2022 to add the defined term “crime of violence,” which includes a number of violent crimes that are further defined in the Illinois Criminal Code. With this amendment, employees who are (or have family members who are) victims of criminal violence, sexual violence, domestic violence, or gender violence may take up to 12 weeks of unpaid leave per any 12-month period to seek medical help, legal assistance, counseling, safety planning, and other assistance.

To address these statutory changes, staff recommends that Policy 4.8 – Leave of Absence Without Pay be amended as provided in the attached Ordinance.

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

**MOTION:** Motion to (1) recommend approval of an Ordinance amending Personnel Policy 4.8 – Leave of Absence Without Pay and (2) approve the Procedures Section for Personnel Policy 4.8, all in the form attached to staff’s May 5, 2022 memorandum.



**LAKE COUNTY FOREST PRESERVE DISTRICT  
LAKE COUNTY, ILLINOIS**

**AN ORDINANCE AMENDING PERSONNEL POLICY 4.8 –  
LEAVE OF ABSENCE WITHOUT PAY**

**WHEREAS**, on March 19, 1976, the Lake County Forest Preserve District (the “District”) passed and approved certain Personnel Policies & Procedures, which have been amended from time to time (the “Policies”); and

**WHEREAS**, it is in the best interests of the District to amend Policy 4.8 – Leave of Absence Without Pay, to clarify eligibility for, and requirements relating to, a leave of absence under the Victim’s Economic Security and Safety Act and to make the other changes identified in the Amended Policy (defined below); and

**WHEREAS**, the amended Policy 4.8 - Leave of Absence Without Pay, shall be in the form of Exhibit A attached to this Ordinance and incorporated herein by this reference (the “Amended Policy”);

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois, **THAT**:

**Section 1: Recitals.** The recitals set forth above are incorporated as a part of this Ordinance by this reference.

**Section 2: Approval of Amended Policy.** The Amended Policy is hereby approved and the Policies are hereby amended to include the Amended Policy.

**Section 3: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022

AYES:

NAYS:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Angelo D. Kyle, President  
Lake County Forest Preserve District

ATTEST:

\_\_\_\_\_  
Julie Gagnani, Board Secretary  
Lake County Forest Preserve District

Exhibit No. \_\_\_\_\_



## 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, May 10, 2022*

### Policy

Regular full-time and regular part-time employees may request a leave of absence without pay for Extended Medical Leave, Educational Leave, time off under the Family and Medical Leave Act and its provisions for Military Family Leave (“FMLA”), Personal Leave, School Visits, and Victims’ Economic Security, and Safety law (“VESSA”).

The eligibility for, and the duration of a leave of absence without pay varyies with the nature of the leave, and in most cases are set by law, as described below. The District believes that a balance must be struck between the need for a leave of absence, the scheduling requirements of the organization, and the essential job function of regular attendance.

Accordingly, no extended medical-leave will be granted on an open-ended basis, and a definite period of time must be specified; however, extensions of definite time periods , which will be subject to reviewed on a case-by-case basis. In determining the feasibility of continuing time off for extended medical leave, the District will take into account the employee’s exhaustion of FMLA leave and in the absence of extraordinary circumstances no extended medical leave may exceed six (6) months, including time taken under the FMLA.

Employees granted leave under the FMLA, including Military Family Leave, and under the state VESSA law, are guaranteed employment by the District in the same position or an equivalent position, to the extent required by those laws.- If, at the end-an of employee takes-an extended leave beyond the legally job-protected leave, and-the employee’s position is no longer available, the employee will be offered eligible to be employed in a ny comparable position, if such a position arises -that may upon up within one (1) year of the expiration of the leave. in a comparable classification, if available. Subject to the specific legal requirements discussed below, if the position left or a comparable position is not available, the employee will be eligible to be employed in any comparable position that may open up within the next year. Any employee that refuses re-employment in the same position or one-of-a comparable position classification loses their re-employment -rights under this section. If the position left or one of comparable classification is not available -within one (1) year after the expiration of the leave, then no re-employment rights will continue to exist.



The Department Director, with Executive Director approval, may fill a position vacated by an employee through leave of absence with a temporary employee. One of the conditions of the status of this temporary placement is that when an incumbent returns from their leave of absence, the services of the temporary employee will no longer be required. However, should the duration of absence from an extended medical leave be such that it is untenable to continue to hold the position open, the District reserves the right to fill the vacant position on a permanent basis.

**Procedure (Only the modified VESSA leave language is shown, other unmodified sections of the Procedure are not included and remain part of the Procedure.)**

Victims' Economic Security and Safety Act (VESSA) Leave

1. An employee who is a victim of domestic violence, sexual assault, ~~or~~ gender violence, or any other crime of violence or who has a family or household member who is a victim of domestic violence, sexual assault, ~~or~~ gender violence, or any other crime of 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 violence, sexual assault, ~~or~~ gender violence, or any other crime of 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 violence, ~~or~~ sexual violence, or any crime of violence; or
  5. To seek legal assistance to ensure the health and safety of the employee or the employee's family or household member~~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 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 have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers.~~ 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 their 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 they satisfy 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 violence, sexual assault, ~~or~~ gender violence or any other crime of violence, (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 the sworn statement and application for VESSA leave within a reasonable period of time, which in most cases will not exceed 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 violence, sexual assault, ~~or~~ gender violence or any other crime of violence that occurs at the workplace or in work-related settings".
6. 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 they made to the plan before the leave began, and failure of the employee to pay their share of the health insurance premiums may result in loss of coverage.
7. Reinstatement. ~~Any employee who takes VESSA leave is entitled to be restored to the same or equivalent position. 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.