



DATE: January 12, 2023

MEMO TO: Gina Roberts, Chair
Finance Committee

FROM: Mary E. Kann
Director of Administration

RECOMMENDATION: (1) Recommend approval of an Ordinance adding Personnel Policy 4.10 – Family Bereavement Leave Policy; (2) approve the Procedures Section for Personnel Policy 4.10; and (3) approve amendments to the Procedures Section of 4.8 – Leave of Absence Without Pay.

STRATEGIC DIRECTION SUPPORTED: Organizational Sustainability

FINANCIAL DATA: There is no immediate direct financial impact.

BACKGROUND: On June 9, 2022, Governor Pritzker signed the Family Bereavement Leave Act (the “FBLA”) into law, which is an amendment to the Illinois Child Bereavement Leave Act. The FBLA expands the 10 days of unpaid leave eligibility to issues related to pregnancy loss, failed adoptions, unsuccessful reproductive procedures, and other diagnoses or events impacting pregnancy and fertility. Additionally, the FBLA also requires employers to provide 10 days of unpaid leave to employees attending the funeral of a covered family member, making arrangements necessitated by the death of a covered family member, or grieving the death of a covered family member. The FBLA expands the definition of a covered family member to include children, stepchildren, spouses, domestic partners, siblings, parents, parents-in-law, grandchildren, grandparents, or stepparents. The FBLA went into effect on January 1, 2023.

Therefore, staff recommends that Policy 4.10 – Family Bereavement Leave Policy be added to the District’s Personnel Policies & Procedures as provided in the attached Ordinance.

Staff further recommends the approval of Procedures for new Policy 4.10 and an amendment to the Procedures for Policy 4.8 – Leave of Absence, to clarify that any family bereavement leave taken will be counted towards an employee’s 12-week FMLA allotment, all in the form attached to this memorandum.

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 adding Personnel Policy 4.10 – Family Bereavement Leave to the District’s Personnel Policies & Procedures; (2) approve the Procedures Sections for Personnel Policy 4.10; and (3) approve amendments to the Procedures Sections for Personnel Policy 4.8 – Leave of Absence, all in the form attached to staff’s January 12, 2023 memorandum.

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

**AN ORDINANCE ADDING POLICY 4.10 – FAMILY BEREAVEMENT LEAVE
TO THE DISTRICT’S PERSONNEL POLICIES & PROCEDURES**

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, the State of Illinois has passed the Family Bereavement Leave Act; and

WHEREAS, it is in the best interests of the District to add a new Policy (Policy 4.10 – Family Bereavement Leave) related to compliance with the Family Bereavement Act; and

WHEREAS, the new Policy shall be in the form of Exhibit A attached to this Ordinance and incorporated herein by this reference (the “New 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 New Policy. The New Policy is hereby approved and the Policies are hereby amended to include the New Policies.

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 _____, 2023

AYES:

NAYS:

APPROVED this ____ day of _____, 2023

Angelo D. Kyle, President
Lake County Forest Preserve District

ATTEST:

Julie Gagnani, Board Secretary

Exhibit No. ____



4.10 Family Bereavement Leave Policy

Effective Date: January 18, 2023

Policy

The Family Bereavement Leave Act (“Act”) requires Illinois employers to grant employees 10 workdays of unpaid leave for child death, pregnancy loss, failed adoptions, unsuccessful reproductive procedures, and other diagnoses or events impacting pregnancy and fertility.

It is the District’s policy to comply with the requirements of this Act.

Procedure

Eligible employees are able to take up to 10 days of unpaid leave:

- To grieve the death of a biological or adopted child, a foster placement or stepchild.
- A miscarriage;
- An unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure (e.g. In Vitro Fertilization)
- A failed adoption match or an adoption that is not finalized because it is contested by another party;
- A failed surrogacy agreement;
- A diagnosis that negatively impacts pregnancy or fertility; or
- A stillbirth.
- Attending the funeral or alternative to a funeral, of a covered family member, making arrangements necessitated by the death of a covered family member, or grieving the death of a covered family member.

Covered family members include children, stepchildren, spouses, domestic partners, siblings, parents, parents-in-law, grandchildren, grandparents, or stepparents.

To be eligible for leave, employees must have completed at least 12 months of employment and at least 1,250 hours worked within the previous 12-month period. The leave must take place within 60 days of the notification of death or the date of the qualifying events. Intention to take this leave should be provided, if reasonable, at least 48 hours in advance.

In order to request leave under this policy, the employee should provide a letter from their health care provider stating that the employee has a qualifying reason under the Act. The documentation from the provider is not required to state the category in which the leave falls under; it is only required to state that the employee is eligible for this type of leave.

In the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period.

If an employee has already exceeded the leave allowed under FMLA, this policy does not create a right to additional leave.



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, January 12, 2023

Procedure

Only the modified Family and Medical leave language is shown, other unmodified sections of the procedure are not included and remain part of the Procedure.

Family and Medical Leave.

1. Employees who have been employed for at least one (1) year, and for at least 1,250 hours during the preceding 12-month period are eligible for family and medical leave as regulations permit. An employee must first use all of his accrued paid vacation, sick, or personal leave and the remainder of the leave period will consist of unpaid leave. If the employee qualifies for IMRF disability payments, the employee will not be required to use his paid benefit time once he satisfies IMRF's waiting period. If the employee stops receiving IMRF disability payments while still on Family Medical Leave, the employee will then be required to use any available benefit time for the remainder of the leave. If the employee does not have benefit time available, the leave will be unpaid.

Spouses who are both employed by the District and eligible for FMLA leave will be limited to a combined total of 12 weeks of FMLA leave during any 12-month period if the leave is taken for birth of the employee's child or the care for a child after birth or placement with the employee for adoption or foster care or to care for the employee's parent with a serious health condition.

12-Month Period Defined.

A Family and Medical (FMLA) leave of up to twelve (12) weeks (twenty-six (26) weeks to care for a designated family member undergoing treatment for or recovering from a serious injury or illness that occurred while on active duty in the Armed Forces) may occur in the twelve (12) month period measured backward from the date the employee used FMLA previously. This is a "rolling" twelve (12)-month period. Each time an employee takes FMLA, the amount of FMLA still available to him is the leave time not taken during the past twelve (12) months.



Any time taken pursuant to 4.10 Family Bereavement Policy will be counted toward the employee's 12 week allotment pursuant to FMLA.

2. Reasons for Leave. During any twelve (12) month period eligible employees may be granted a total of twelve (12) weeks of combined unpaid family leave and paid vacation, sick, and personal leave for the following reasons:
 1. the birth of the employee's child and in order to care for the child;
 2. the placement of a child with the employee for adoption or foster care; (The entitlement to leave for the birth or placement of a child for adoption or foster care expires twelve (12) months after the date of the birth or placement.)
 3. to care for a spouse, child or parent who has a serious health condition; or
 4. an employee's own serious health condition.
 5. due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the US Armed forces.

During any twelve (12) month period eligible employees may be granted a total of twenty-six (26) weeks of combined unpaid family leave and paid vacation, sick, and personal leave to care for a spouse, son, daughter, parent or nearest blood relative undergoing medical treatment for, or recovering from, a serious injury or illness that occurred while on active duty in the US Armed Forces.

3. Application for Leave. An employee must submit a Family/Medical Leave Request to the Human Resources Division. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave. The application for leave must be submitted at least thirty (30) calendar days before the leave is to begin. If leave is to begin in less than thirty (30) calendar days, an employee must give notice to his immediate supervisor and to the Human Resources Division as soon as the necessity for the leave arises.
4. Medical Certification of Leave. An application for leave based on the serious health condition of the employee, employee's spouse, child or parent must also be accompanied by a Medical Certification Statement completed by the applicable health care provider. With respect to family military leave, this certification is also required for care of a nearest blood relative.



5. Benefits Coverage During Leave. An employee will be retained on the health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he made to the plan before taking leave. Failure to pay the health insurance premiums within 30 days of invoice may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the District for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his job or to circumstances beyond the employee's control.

6. Return To Employment. Upon return from leave an employee will return to his former position or be placed in an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.
7. Modification of Leave. An employee who requests to modify his original FMLA request due to the continuation, recurrence or onset of his own serious health condition or of the serious health condition of the employee's spouse, child or parent, must submit a request for the modification, in writing, to the Human Resources Division. This written request should be made as soon as the employee realizes that he will not be able to return at the expiration of the leave period.
8. An employee on family and medical leave does not accrue vacation leave or sick leave for the portion of the leave that is an unpaid leave.