**Section 600.686 Leaves of Absence**

a) Types

1) Disability

An employee who has expended accumulated sick leave may be granted a leave without pay, provided that the employee may be required to submit a 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 Auditor General, provided that an appropriate health care provider's statement, if required, is submitted within the first 10 days of each month during the leave. An employee's disability leave shall terminate when the employee is no longer temporarily disabled from performing the employee's regularly assigned duties. The State will 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 24 months.

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 be allowed full pay during the first 5 working days of absence without utilization of any accumulated sick leave or other benefits. A worker's compensation file must be created in order to authorize service-connected leave, and medical documentation verifying the need for time off from work shall be required. Thereafter, the employee shall be permitted to utilize accumulated sick leave or other benefits for additional time away from work 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] 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 of 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 that duplicates payments received 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 those 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 12 months and have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave are entitled to up to 12 workweeks leave in any 12 month period for one or more of the following:

i) birth of a child of the employee, in order to care for the child;

ii) placement of a son or daughter with the employee for adoption or foster care;

iii) to care for a spouse, child, or parent of the employee who has a serious health condition;

iv) a serious health condition that makes the employee unable to perform the employee's job functions;

v) any qualifying exigency arising out of the fact that an employee's spouse, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation as provided under the National Defense Authorization Act for FY 2008 (P.L. 110-181) and implementing regulations.

B) Use

The entitlement to leave under subsection (a)(3)(A)(i) and (ii) expires at the end of the 12 month period beginning on the date of the birth or placement of the child. The leave granted under subsection (a)(3)(A)(iii), (iv) and (v) may be taken intermittently when medically necessary and when scheduled so as to not unduly disrupt the Office's operations.

C) Benefits

Except as provided in subsection (a)(9) for parental leave, FMLA leave shall be unpaid. Accrued sick and vacation leave may be applied to the periods of FMLA absence at the employee's option. The State will continue to pay the premiums for the basic (State-paid) health and life insurances for an employee on FMLA 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

FMLA leave may be extended up to a total of 6 months at the discretion of the Auditor General.

F) Military Caregiver Extended Leave

Employees otherwise meeting eligibility requirements for FMLA leave who are caring for a member of the Armed Forces who is on the temporary disability retired list or is receiving medical treatment, recuperation or therapy due to a serious injury or illness sustained in the line of duty may be eligible for up to a total of 26 weeks of FMLA leave (inclusive of all types of FMLA leave taken by the employee) during a single 12-month period, as provided under the National Defense Authorization Act for FY 2008 (P.L. 110-181). Spouses employed by the Office may be limited to a combined total of 26 workweeks of FMLA leave during a single 12-month period. Eligible employees must be the spouse, child, parent or next of kin of the person requiring care and shall otherwise comply with notice and certification requirements.

G) Notice and Certification

An employee shall provide the Office with not less than 30 days' notice of the employee's intent to take FMLA leave, or 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.

H) The terms and conditions of FMLA leave shall be governed by the federal Family and Medical Leave Act of 1993, as amended, and implementing regulations.

I) In determining whether a veteran meets the FMLA eligibility requirement, the months employed and the hours that were actually worked for the Office will be combined with the months and hours that would have been worked during the 12 months prior to the start of the leave requested but for the military service.

4) Administrative Leave

The Auditor General may grant administrative leaves of absence to employees for purposes deemed appropriate. The Auditor General 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 Auditor General or 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 by this subsection (a)(6) 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 5 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 Auditor General within 90 days after separation from active duty or after hospitalization or convalescence continuing after discharge for not more than 2 years. 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 State of Illinois who is a member of a reserve component of the Armed Services of the United States, including the reserve components of the Armed Services of any state, or who is a member of the National Guard of any state, shall be allowed military leave for annual training in accordance with the Illinois Service Member Employment and Reemployment Rights Act [330 ILCS 61]. These leaves will be granted without loss of seniority or other accrued benefits.

C) State Active Duty/Emergency Call Up

In the case of an emergency call-up (or order to State active duty) by the Governor, the leave shall be granted for the duration of the emergency with pay and without loss of seniority or other accrued benefit. Military earnings for the emergency call-up paid under the Military Code of Illinois [20 ILCS 1805] must be submitted and assigned to the Office, and the Office will return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earnings for the period, the Office will return the difference to the employee.

D) Active Duty

Any full-time employee who is a member of any reserve component of the United States Armed Forces or who is a member of the National Guard of any state shall be granted military leave for active service in accordance with the Illinois Service Member Employment and Reemployment Rights Act.

E) Certification of Leave

To be eligible for military reserve leave or emergency call-up pay, the employee must provide certification from the commanding officer of the employee’s unit that the leave taken was for one of these purposes.

F) Military Pay

Concurrent and differential compensation for military service shall be paid in accordance with the Illinois Service Member Employment and Reemployment Rights Act.

G) Leave for Military Physical Examinations

Any employee drafted into military service shall be allowed up to 3 days leave with pay to take a physical examination required by the draft. Upon request, the employee must provide the Office with certification by a responsible authority that the period of leave was actually used for this purpose.

H) 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 the employee's State employment for the duration of the employee's initial period of service. The employee shall be restored to the same or similar position if the employee returns to employment within 90 days after termination of the employee's service or release from hospitalization for a Peace Corps or Job Corps service-connected disability.

I) Veterans Hospital Leave

An employee who is also a veteran shall be permitted 4 days with pay per year to visit a veterans hospital or clinic for examination of a military service-connected disability. The 4 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 volunteers for assignment to the Illinois Emergency Management Agency and Office of Homeland Security (IEMA-OHS) in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305] or the Emergency Management Assistance Compact Act [45 ILCS 151] may be granted leave with pay for up to 20 working days in any 12 month period for disasters within the United States or its territories. The leave may be granted upon the request of the American Red Cross or IEMA-OHS for employees to participate in specialized disaster relief services. Leaves under this subsection (a)(7) are subject to approval by the Auditor General considering operating needs. Disasters must be *disasters designated at a Level III and above in the American National Red Cross Regulations and Procedures or any disaster declared by proclamation of the Governor under Section 7 of the Illinois Emergency Management Agency Act* [5 ILCS 335/2]. The American Red Cross and IEMA shall coordinate requests for services outside of Illinois through the Illinois State Emergency Operations Center.

8) Attendance in Court

Any employee called for jury duty, or subpoenaed by any legislative, judicial, or administrative tribunal for matters related to the employee's employment, shall be allowed time away from work with pay as necessary to fulfill the jury service requirement or comply with the subpoena. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the 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 the call or subpoena on accrued time off and retain the full amount received for the service.

9) Parental Leave

A) Maternity/Paternity Leave

All employees who provide proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 12 weeks (60 standard work days) of paid parental leave that begins upon birth, for each pregnancy resulting in births or multiple births. If both parents are employees of the Office, they shall each be eligible for 12 weeks of paid maternity/paternity leave that may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive days). Regardless of the number of pregnancies in a year, no employee shall receive more than 12 weeks (60 standard work days) of paid leave per year under this subsection (a)(9)(A). The Office will require proof of the birth. In addition, non-married male employees may be required to provide proof of paternity, such as a birth certificate or other appropriate documentation confirming paternity.

B) New Adoption Leave

All employees are eligible for 12 weeks (60 standard 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. In the event the child was in foster care immediately preceding the adoption process, the leave will commence once a court order has been issued for permanent placement and the foster parent has been notified of the right to adopt, as long as the foster child has not resided in the home for more than 3 years. The employee must submit proof that the adoption has been initiated. Should both parents be employees of the Office, they shall each be eligible for 12 weeks of paid adoption leave that may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive work days). Regardless of the number of adoptions in a year, no individual shall receive more than 12 weeks (60 standard work days) of adoption leave per year. Employees are not eligible for adoption leave if the adoption is for a step-child or relative who has resided with the employee for a period of one year or more.

C) Leave in the Event of a Stillborn Child

All employees who provided proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 5 weeks (25 standard work days) of paid leave in the event of a full-term stillborn child. The Office will require proof of a stillbirth, such as a fetal death certificate or certificate of stillbirth. This leave shall be limited to one leave per employee for each stillbirth. In addition, employees may be required to provide proof of a parent-child relationship. Employees using leave under this subsection (a)(9)(C) must use the leave benefit immediately.

D) Permanent part-time employees working 19 or more hours per week shall be eligible for paid parental leave on a pro-rated basis determined by a fraction the numerator of which shall be the hours worked by the employee and denominator of which shall be normal working hours in the year required by the position.

10) Educational Leave

The Auditor General 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 Auditor General's judgment, the training course would benefit the Office by improving the employee's qualifications to perform the duties of the employee's position or by qualifying the employee for advancement to another position in State service. During a period of educational leave, 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)].

11) Organ Donor/Blood Donor Leave

A) Upon request and approval by the Office, an employee may be entitled to time off with pay, as follows, for the purpose of donating an organ, bone marrow, blood or blood platelets:

i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow or organ donor. Medical documentation of the proposed organ or bone marrow donation will be required before leave is approved;

ii) up to one hour or more to donate blood, and up to 1.5 hours to donate double red cells, no more than once every 56 days. Medical documentation to substantiate the use of leave time for this purpose may be required;

iii) up to 2 hours or more to donate blood platelets. Leave to donate blood platelets will not be granted more than 24 times in a 12-month period. Medical documentation to substantiate the use of leave time for this purpose may be required.

B) An employee may not be required to use accumulated sick or vacation leave time before being eligible for leave under this subsection (a)(11).

12) Leave due to Crime of Violence

An employee who is a victim of domestic violence, dating violence, sexual assault, gender violence, stalking, or any crime of violence, or who has a family or household member who is a victim of domestic violence, dating violence, sexual assault, gender violence, stalking, or any crime of 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 12 work weeks of unpaid leave during any 12-month period for the purposes of, and under the terms and conditions provided in, the Victims' Economic Security and Safety Act [820 ILCS 180] and implementing regulations (56 Ill. Adm. Code 280).

13) School Visitation Leave

Employees may take up to a total of 8 hours during any school year without pay, no more than 4 hours of which may be taken on any given day, to attend school conferences, behavioral meetings, or academic meetings related to the employee's child if the conference or meeting cannot be scheduled during nonwork hours. No leave may be taken unless the employee has exhausted all accrued vacation leave, personal leave and any other leave that may be granted to the employee except sick leave and disability leave. The employee must provide the Office with a written request for leave at least 7 days in advance of the time the employee is required to utilize the visitation right. In emergency situations, no more than 24 hours' notice will be required. The employee must consult with the Office to schedule the leave so as not to disrupt unduly the Office's operations.

14) Volunteer Emergency Worker Leave

An employee who is a volunteer emergency worker, as that term is defined in the Volunteer Emergency Worker Job Protection Act [50 ILCS 748], shall be given time off from work without pay for the purpose of responding to an emergency. An employee missing work for this purpose shall make a reasonable effort to notify the Office that the employee may be absent or late. An employee requesting this leave shall also present the Office with a written statement from the supervisor or acting supervisor of the volunteer fire department or governmental entity that the volunteer emergency worker serves stating that the employee responded to an emergency and stating the time and date of the emergency.

15) Family Military Leave Act [820 ILCS 151]

A) An employee who is the current spouse, civil union partner, domestic partner, parent, child or grandparent of a person called to military service lasting longer than 30 days with a state or the United States, pursuant to the order of the Governor or the President, who wishes to be absent from work in order to meet or fulfill responsibilities arising from the employee's role in his or her family or as head of the household, is eligible to request up to 30 days of unpaid family military leave during the time federal or State deployment orders are in effect. Family Military Leave may not be used unless the employee has first exhausted all accrued vacation leave, personal leave, compensatory leave, parental leave, and any other paid leave that may be granted to the employee, except sick leave and disability leave.

B) To qualify for Family Military Leave, an employee must have been employed by the Office for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

C) The employee shall give at least 14 days' notice of the intended date upon which the family military leave will commence if leave will consist of 5 or more consecutive work days. Employees taking military family leave for less than 5 consecutive days shall give advance notice as is practicable. If able, the employee shall consult with the Office to schedule the leave so as to not unduly disrupt Office operations. Except in cases of emergency, family military leave shall be taken in full day increments only. The employee will be required to document the reason for the emergency nature of the need for leave in writing within 2 days after the employee's return to work.

D) The employee shall provide certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

E) Upon expiration of the leave, the employee shall be restored to the position held by the employee when the leave commenced or to a similar position with equivalent seniority status, benefits, pay and other terms and conditions of employment, unless the employee's failure to be restored to the position is due to conditions unrelated to his or her exercise of these leave rights.

F) During any family military leave, the Office will make it possible for employees to continue their benefits at the employee's expense. At its option, these benefits may be continued at the Office's expense. Time utilized under the Family Military Leave Act is not deducted from an employee's continuous service, vacation accrual, or seniority date.

16) Civil Air Patrol Leave

A) An employee is eligible to request up to 30 days of unpaid leave to perform a civil air patrol mission. An employee need not have exhausted other forms of accrued leave time prior to being eligible for Civil Air Patrol Leave.

B) To qualify for Civil Air Patrol Leave, an employee must have been employed by the Office for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

C) The employee shall give at least 14 days' notice of the intended date upon which the leave will commence if leave will consist of 5 or more consecutive work days. Employees taking leave for less than 5 consecutive days shall give advance notice as is practicable. If able, the employee shall consult with the Office to schedule the leave so as to not unduly disrupt Office operations.

D) The employee shall provide certification from the proper civil air patrol authority to verify the employee's eligibility for the leave requested.

E) Upon expiration of the leave, the employee shall be restored to the position held by the employee when the leave commenced or to a similar position with equivalent seniority status, benefits, pay and other terms and conditions of employment, unless the employee's failure to be restored to the position is due to conditions unrelated to his or her exercise of these leave rights.

F) During any civil air patrol leave, the Office shall make it possible for employees to continue their benefits at the employee's expense. At its option, these benefits may be continued at the Office's expense. Time utilized under the Civil Air Patrol Leave Act is not deducted from an employee's continuous service, vacation accrual or seniority date.

17) Family Bereavement Leave

A) Upon request, an employee will be granted paid leave of up to 2 work days to attend a funeral or similar service, and for related travel, upon the death of a member of the employee's immediate family. Leave shall be limited to one instance per calendar year. Documentation of the reason for the funeral/bereavement leave, attendance at the funeral or similar service, and relationship to the deceased may be required. Employees retain the right to use sick leave for a death in the immediate family.

B) Upon request, an employee will be granted unpaid leave of up to 10 standard work days to:

1) attend the funeral of a covered family member;

2) make arrangements necessitated by the death of a covered family member;

3) grieve the death of a covered family member; or

4) be absent from work due to a miscarriage, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, 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 still birth.

C) 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 (30 standard work days) of bereavement leave during the 12-month period. Family bereavement leave must be completed within 60 days after the date on which the employee receives notice of the death of the covered family member or the date on which an event listed in subsection (a)(17)(B)(4) occurs. An employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take family bereavement leave, unless providing that notice is not reasonable and practicable.

D) An employer may require reasonable documentation substantiating the request for leave. For leave resulting from an event listed under subsection (a)(17)(B)(4), reasonable documentation includes a form provided by the Illinois Department of Labor to be filled out by a health care practitioner who has treated the employee or the employee’s spouse or domestic partner, or surrogate, or documentation from the adoption or surrogacy organization that the employee worked with, certifying applicability. An employer may not require that the employee identify which category of event the leave pertains to as a condition of exercising rights under subsection (a)(17)(B)(4).

E) For purposes of family bereavement leave, the term "covered family member" means an employee's son or daughter who is a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or step-parent.

b) Employee Rights After Leave

When an employee returns from a leave of absence of 6 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 the leave. For the employee to be eligible for reinstatement, all requirements for substantiation of use of leave or physical fitness must have been furnished and the application for reassignment must be made within the specified time limit of the leave. When an employee returns from a leave of absence exceeding 6 months in duration, other than a leave of absence granted under subsection (a)(2) or (a)(6), and there is no vacant position in the same position classification in which the employee was incumbent prior to the commencement of the leave, the employee may be laid off. An employee returning from a leave of absence under subsection (a)(2) or (a)(6) shall be returned to the same or similar position in which the employee was incumbent prior to the commencement of the leave. For the employee to be eligible for reinstatement, all requirements for substantiation of use of leave or physical fitness must have been furnished, the application for reassignment must be made within the specified time limits of the leave, and the Office's circumstances shall not have changed so as to make reassignment impossible or unreasonable.

c) Failure to Return

Failure to return from leave within 5 days after the expiration date may be cause for discharge. Leave shall automatically terminate upon the employee's securing other employment during the leave period.

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 leaves; Peace Corps or Job Corps leave; disaster service volunteer leave; or service-connected disability leave.

(Source: Amended at 48 Ill. Reg. 2069, effective January 29, 2024)