

ILLINOIS MATHEMATICS AND SCIENCE ACADEMY®

**SECTION G
PERSONNEL**

Domestic Violence Leave of Absence Policy

The Academy recognizes that employees may need a leave of absence because the employee, or a family member, has been a victim of domestic or sexual violence. The Academy will allow such leaves of absence as are authorized by the Illinois Victims' Economic Security and Safety Act ("VESSA"). This policy is intended to comply with the requirements of the VESSA and the provisions of the policy should be construed in a manner consistent with the VESSA.

Eligible Employees:

All employees, regardless of length of service, are eligible for leave under VESSA. Eligible employees may request leave of absence for the purpose of:

- 1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- 2) Obtaining services from a victim services organization for the employee or the employee's family or household member;
- 3) Obtaining psychological or other counseling for the employee or the employee's family or household member;

Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

Length of Leave:

Eligible employees may be entitled to up to twelve weeks of unpaid leave within a twelve-month period without loss of seniority or benefits accrued as of the date of leave. The amount of leave available to an employee at any given time will be

calculated by looking backward at how much leave has been taken in the twelve month period preceding the requested leave. Employees are expected to return to work when the reason for the leave has ended. Employees who fail to return to work after the end of authorized leave may be terminated. The Academy will count any leave under this policy against the employee's leave entitlement under VESSA.

Employee Notification:

Employees wishing to take leave under VESSA must notify Human Resources of the commencement of leave at least 48 hours in advance of the leave or, if the need for leave is not foreseeable, as soon as practicable.

Employees who seek leave under this policy must complete an Application for Leave Form which the Human Resources Department can provide. In cases where the need for leave is foreseeable, an employee's failure to provide 48 hours notice prior to taking leave may result in denial or delay of leave. If the need for leave is not foreseeable then notice must be given as soon as practicable.

Substitution of Paid Leave:

Employees who take VESSA leave may elect to receive pay during the leave by using available paid benefits, e.g. vacation or sick days. If employee has no available paid leave, any leave taken pursuant to this policy will be unpaid. Employees will not receive pay for any holidays occurring during the leave of absence, and will not accrue additional vacation pay or retirement benefits.

Certification:

Within ten calendar days after the request from the Academy, employee shall provide certification to the Academy that:

- 1) the employee or the employee's family or household member is a victim of domestic or sexual violence; and
- 2) the leave is for one of the purposes enumerated in the eligibility section of this policy.

Such certification shall include a sworn statement from the employee and the employee shall provide:

- 1) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;
- 2) a police or court record; or

- 3) other corroborating evidence.

Intermittent or Reduced Leave:

Leave taken under VESSA may be taken on an intermittent or reduced schedule basis when necessary. If an employee seeks leave on an intermittent or reduced basis, the employee must advise the Academy of the reasons why the intermittent or reduced schedule leave is necessary and of the treatment schedule (if applicable), in addition to providing the other notice required for leave under this policy. As with any other leave, intermittent or reduced schedule leave must be supported by the appropriate certification and an authorization form. The Academy may require an employee taking intermittent or reduced schedule leave to transfer temporarily to an alternative available position for which the employee is qualified (or modify an employee's existing job) as long as the temporary position has equivalent pay and benefits and better accommodates the employee's recurring periods of leave.

Insurance Premiums:

While on leave of absence as provided under VESSA, the Academy will continue to provide health insurance coverage under the same terms as if the employee remained in active employment. The employee will remain responsible for payment of any share of the premiums for that coverage in order to continue coverage during the employee's leave. Such payments may be made prior to the leave or in semi-monthly installments. All insurance payments should be submitted directly to the Human Resources Department. Failure to pay premiums in a timely manner may result in the lapse of coverage.

At the end of 12 weeks if the employee is entitled to additional leave of absence, the Academy will not provide health insurance coverage, and the employee may continue coverage under specific terms which the Academy will explain to employee at that time.

Job Restoration:

Upon return from leave, the employee may be returned to the same or equivalent job with no loss in benefits which accrued prior to the leave of absence. Employees must provide at least two business days notice of intent to return to work from leave. Employees who do not return to work at the end of their authorized leaves may be terminated and may be required to repay any insurance premiums paid by the Academy.

The Academy may also deny job restoration if it has grounds for terminating the employee's employment, such as misconduct or lack of work. While on leave, the employee may not engage in other employment, unless the Academy approves in advance. Violation of this policy, or providing information to obtain a leave of absence which the Academy believes to be false, shall result in discipline up to and including termination.

If an employee is on leave for reasons other than authorized under this policy, (e.g. is an eligible employee but has taken more than 12 weeks of leave) the Academy shall reemploy the employee only if work is available.

If an employee seeks to return to work from a leave of absence due to the employee's own medical condition, the Academy may require the employee to complete a medical certification form prepared by the Academy and submit to an examination by a physician of the Academy's choice. The employee's failure to provide this information or to cooperate with the Academy's attempt to obtain this information could result in termination. No employee will be allowed to perform work that violates a physician's restrictions. Any employee who refuses to follow doctor's orders, and performs work that violates the doctor's restrictions, will not be allowed to return to work without a release to return to work with no medical restrictions.

The preceding policy is intended to comply with the Illinois Victims' Economic Security and Safety Act. The policy will be administered in a manner consistent with the provisions of that Act and its regulations. Any disputes arising under the policy will be resolved by reference to the same.

Employees wanting further information regarding leaves under this policy should contact the Human Resources Department.

ADOPTED: September 17, 2012