

## **VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA) LEAVE POLICY AND PROCEDURE**

### **I. PURPOSE**

The City Colleges of Chicago (“City Colleges”) has an interest in promoting and enabling an employee who is a victim or who has a family or household member who is a victim of domestic or sexual violence to address issues arising from domestic or sexual violence. In an effort to promote this interest and in accordance with the Illinois Victims’ Economic Security and Safety Act (“VESSA”), City Colleges shall grant up to twelve (12) weeks of unpaid leave during any 12-month period to eligible employees who are victims of domestic or sexual violence, or have a family or household member who is a victim of domestic or sexual violence.

### **II. EMPLOYEE ELIGIBILITY**

Any full or part-time employee of the City Colleges is eligible for VESSA leave, if he/she is a victim of domestic or sexual violence or has a family or household member<sup>1</sup> who is a victim of domestic or sexual violence. VESSA leave is not allowed if an employee’s interests are adverse to the victim’s interests.

If an employee misrepresents facts in order to be granted VESSA leave, he/she will be subject to disciplinary action up to and including termination.

### **III. REASONS FOR REQUESTING VESSA LEAVE**

An employee may take VESSA leave to obtain assistance or services for the following purposes:

- (1) to seek medical attention for, or recovery from, physical or psychological injuries caused by domestic or sexual violence to the employee or employee’s family or household member;
- (2) to obtain victim services for the employee or the employee’s family or household member from a victim service organization;

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<sup>1</sup> VESSA adopted the definition of family or household members as defined by the Illinois Domestic Violence Act of 1986 (750 ILCS 60/103(6)). “Family or household member”, for employees with a family or household member who is a victim of domestic or sexual violence or is perceived to be a victim of domestic or sexual violence means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household. “Parent” means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. “Son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

- (3) to obtain psychological or other counseling for the employee or the employee's family or household member related to domestic or sexual violence;
- (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 ensure economic security; or
- (5) to seek legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any legal proceeding related to or resulting from domestic or sexual violence.

#### **IV. PROCEDURE**

##### **Notice of Need for Leave**

An employee must submit a VESSA Leave Request Form requesting VESSA leave to the Human Resources Department at their work location at least forty-eight (48) hours in advance, unless such notice is not practicable under the particular circumstances. If an employee is unable to provide advance notice, he/she must give notice within a reasonable period of time after the first absence from work, but not to exceed three (3) business days from the date of an employee's first absence. Failure to provide the required notice may result in treatment of the absences as unexcused.

##### **Certification Requirements**

Once an employee submits a VESSA Leave Request Form requesting VESSA leave, the employee is required to provide the Human Resources Department with certification that he/she or a family or household member is a victim of domestic or sexual violence. Certification must be provided as soon as practicable, but not to exceed three (3) business days from the date of the initial request.

To satisfy the certification requirements under the applicable law, an employee must provide the following two (2) documents to the Human Resources Department:

1. a sworn statement by the employee showing that the leave qualifies for a purpose covered by VESSA, and
2. one document from the following:
  - a. a sworn statement by a representative of a victim services organization,
  - b. a sworn statement by an attorney,
  - c. a sworn statement by a member of the clergy,
  - d. a sworn statement by 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 or the effects of the violence;
  - e. a police or court record; or
  - f. other corroborating evidence.

It is an employee's responsibility to ensure that the Human Resources Department receives the proper certification as soon as practicable, but not to exceed three (3) business days of the requested leave. Any expenses associated with obtaining the certification shall be the responsibility of the employee.

**Approval of VESSA Leave**

The Human Resources Department will review the certification and determine its authenticity and sufficiency for the requested leave on a case-by-case basis. The Human Resources Department will provide an employee with written approval or denial of the requested leave within five (5) business days of the receipt of the requested leave absent extenuating circumstances.

**Denial of VESSA Leave**

If an employee does not provide adequate certification within three (3) business days of an employee's absence, or if the certification does not confirm a VESSA-qualifying purpose, the Human Resources Department may deny the requested leave. An employee's absences may instead be processed under other applicable leave policies, and he/she will be held accountable for time taken under the relevant City Colleges attendance standards.

**Reporting While on Leave**

An employee will be required to make written or verbal reports every ten (10) business days to the Human Resources Department at their work location regarding the status of his/her leave and his/her intention to return to work upon the expiration of the leave. The Human Resources Department may determine when and how an employee should make written or verbal reports on a case-by-case basis.

**Returning from Leave**

An employee is required to return to work when the reason for the VESSA leave has terminated or the scheduled leave time has expired. Upon return from VESSA leave, an employee is entitled to return to the same position which he/she held when the leave commenced, or to an equivalent position with equal pay, benefits and other terms and conditions of employment. An employee returning from VESSA leave for medical reasons is required to provide a statement from a health care provider certifying that the employee is able to safely resume work, in accordance with relevant policies of City Colleges.

If an employee does not return to work on the agreed upon date, City Colleges will consider an employee to have voluntarily terminated his/her employment.

The Human Resources Department may require an employee, who is unable to return to work at the end of the approved leave period because of the continuation, recurrence, or onset of domestic or sexual violence, to provide additional certification of the inability to return to work. Such certification requirements are the same as for the original leave request. The Human Resources Department may require recertification upon the expiration of the original leave request.

**V. LEAVE IS UNPAID**

VESSA leave is unpaid leave. Any accrued paid vacation, sick days, or personal leave may be substituted for any unpaid VESSA leave. Sick days may only be applied if the leave time is for medical reasons. The substitution of paid leave time does not extend the twelve (12) week VESSA leave period.

The entitlement to leave under VESSA is not in addition to the twelve (12) week leave period provided by the Family Medical Leave Act (FMLA). Leave taken under VESSA which also qualifies as FMLA leave shall run concurrently under both VESSA and FMLA and shall be counted against the twelve (12) week entitlement under both VESSA and FMLA.

**VI. INTERMITTENT AND REDUCED SCHEDULE LEAVE**

VESSA leave may be taken on an intermittent or reduced schedule. If leave is unpaid for a full-time employee, the unpaid day shall be reported as an “O” day – other absence with loss of pay. Part-time employees will be paid for the hours actually worked.

**VII. MEDICAL AND OTHER EMPLOYMENT BENEFITS**

During an approved VESSA leave, City Colleges will maintain the health and other insurance plans for which an employee or any family or household member is eligible as if he/she continued to be actively employed. An employee must pay his/her portion of the premium during the leave. If paid leave is taken to cover the VESSA leave, City Colleges will deduct an employee’s portion of the health plan premium as a regular payroll deduction.

If an employee does not return to work at the end of the approved VESSA leave period, he/she may be required to reimburse City Colleges for the cost of the premiums paid for maintaining coverage during his/her unpaid leave. If the employee cannot return to work because of the continuance, recurrence, or onset of domestic or sexual violence that entitles the employee to VESSA leave, he/she will be required to produce written certification to confirm the continuance, recurrence or onset of a VESSA event.

Vacation, sick days, and other employment benefits will not accrue while on unpaid VESSA leave. To determine the effect of VESSA leave on the accumulation of service time for retirement and to assure continuation of contributions, the employee should contact SURS.

**VIII. CONFIDENTIALITY AND RECORD KEEPING**

City Colleges will maintain the confidentiality of all information pertaining to the use of VESSA leave, notice of an employee’s intention to take VESSA leave, and certification provided by an employee, except to the extent that disclosure is requested and consented to in writing by an employee or required by state/federal law.

All leave requests, certification, and documentation associated with VESSA will be kept separate from an employee's personnel files.

**IX. REASONABLE ACCOMODATION IN THE WORKPLACE**

An employee may request reasonable accommodations for a known limitation resulting from domestic or sexual violence. City Colleges will grant reasonable accommodations consistent with applicable laws, unless the accommodations would cause City Colleges an undue hardship.

**X. NONDISCRIMINATION**

Discrimination, harassment, or retaliation against any employee with respect to the compensation, terms, conditions or privileges of employment as a result of VESSA leave is strictly prohibited.