

4.121 Leave, Bereavement—Full-Time/Part-Time Active Employees (Revised 11/22/22)

A. Full-time Active Employees:

1. The College will grant one day paid leave for bereavement of extended family: aunt, uncle, cousin, niece or nephew. Three days paid leave for family including brother or sister-in-law, son or daughter-in-law, mother or father-in-law, grandparent or grandparent-in-law or grandchild. Five days paid leave for immediate family: spouse or Civil Union partner, child (biological, adopted, foster, step, legal ward, or a child for whom the employee stood in loco parentis), parent, sibling, stepsibling, stepparent. Bereavement leave days cannot be accrued and must be taken within 30 calendar days from the first bereavement day taken to the last bereavement day taken.

2. The employee's immediate supervisor authorizes the use of bereavement leave. If additional time is needed beyond what is indicated above, vacation, sick or unpaid personal leave may be taken with supervisory approval in consult with Human Resources. The supervisor should consult with Human Resources in special circumstances.

- 2.3. Under the Illinois Family Bereavement Leave Act, after 1,250 hours of service with an employer during the prior 12-month period an employee is eligible for two weeks (10 working days) of unpaid leave following the death of a child, stepchild, spouse, domestic partner, sibling, parent or step-parent, mother-in-law or father-in-law, grandchild or grandparent.

3.4. Unpaid leave time may be used to:

- a. Attend the funeral or alternative to a funeral of a covered family member;
- b. Make arrangements necessitated by the death of the covered family member;
- c. Grieve the death of the covered family member; or
- d. Be absent from work due to:
  1. a miscarriage;
  2. an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure;
  3. a failed adoption match or an adoption that is not finalized because it is contested by another party;
  4. a failed surrogacy agreement;
  5. a diagnosis that negatively impacts pregnancy or fertility; or
  6. a stillbirth.

5. Employees will be paid as noted above and the remaining days will be unpaid. Employees meeting the eligibility requirements of the Illinois Family Bereavement Leave Act, may elect to substitute other paid leave they have accrued, such as sick, vacation or personal days, for any unpaid portion of the leave. Leave under the Illinois Family Bereavement Act must be completed within 60 days after the date an employee receives notice of the death of the child. Employees may be entitled to up to 6 weeks of bereavement time in the event of the death of more than one child during a twelve-month period. This Act does not create a right for an

employee to take unpaid leave that exceeds the unpaid leave time allowed under, or in addition to the unpaid leave time permitted by the federal Family and Medical Leave Act.

6. Under the Child Extended Bereavement Leave Act, any full-time employee who has worked for Highland for at least two weeks and who has lost a child to suicide or homicide is eligible to take up to six weeks of unpaid leave. The leave may be taken in a continuous period or intermittently within a year of the employee providing notice about the child's death. If leave is intermittent, it should be taken in periods of not less than four hours. Reasonable documentation may be required to support the leave request. Reasonable advance notice is required where practicable.

**B. Part-time Active Employees:**

1. Under the Illinois Family Bereavement Leave Act, after 1,250 hours of service with an employer during the prior 12-month period, an employee is eligible for two weeks (10 working days) of unpaid leave following the death of a child. Child is defined as a biological, foster, adopted or step child, a legal ward or a child for whom the employee stood in loco parentis. Bereavement leave days cannot be accrued. Employees meeting the eligibility requirements of the Illinois Family Bereavement Leave Act may elect to substitute leave they have accrued such as sick, vacation or personal days for any portion of the leave. Leave under the Illinois Family Bereavement Act must be completed within 60 days after the date an employee receives notice of the death of the child. Employees may be entitled to up to 6 weeks of bereavement time in the event of the death of more than one child during a twelve-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or in addition to the unpaid leave time permitted by the federal Family and Medical Leave Act.
2. The employee's immediate supervisor authorizes the use of bereavement leave. If additional time is needed beyond what is indicated above, vacation, sick or unpaid leave may be taken with supervisory approval in consult with Human Resources. The supervisor should consult with Human Resources in special circumstances.

4.122 Leave, COVID-19 Administrative Leave (Adopted 11/22/22)

A. Scope:

1. ~~This policy applies to all employees, specifically all persons employed by Highland Community College on or after the effective date of the amendatory Act of the 1-2<sup>nd</sup> General Assembly, April 5, 2022.~~

B. Objectives:

1. ~~The Public Community College Act is amended by adding Sections 3-29.20 and 3-29.25. Highland Community College recognizes the benefit of reimbursing employees for sick time that was used during the 2021-2022 academic year for COVID-19 related illness and providing paid administrative leave due to a public health emergency related to COVID-19.~~

C. Sick Leave:

1. ~~Any sick leave used by an employee of Highland Community College shall be returned to the employee if the employee receives all doses required to be fully vaccinated against COVID-19, if:~~
2. ~~The sick leave was taken because the employee was restricted from being on Highland's campus because the employee:~~
  - a. ~~Had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;~~
  - b. ~~Had a probable COVID-19 diagnosis via an antigen diagnostic test;~~
  - e. ~~Was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from Highland's campus; or~~
  - d. ~~Was required by Highland policy to be excluded from College property due to COVID-19 symptoms; or~~
3. ~~The sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:~~
  - a. ~~Had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;~~
  - b. ~~Had a probable COVID-19 diagnosis via an antigen test;~~
  - e. ~~Was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or~~
  - d. ~~Was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.~~

~~4. Leave shall be returned to an employee provided that the employee has received all required doses to meet the definition of “fully vaccinated against COVID-19” no later than 5 weeks after the effective date, April 5, 2022, of this amendatory ACT of the 102<sup>nd</sup> General Assembly.~~

~~5. Human Resources has returned sick leave compliant with this policy.~~

~~D. Paid Administrative Leave:~~

~~1. During any time when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, Highland Community College, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of HCC from being on college property and:~~

~~2. The leave is needed because the employee is restricted from being on HCC property because the employee:~~

- ~~a. Has a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;~~
- ~~b. Has a probable COVID-19 diagnosis via an antigen diagnostic test;~~
- ~~c. Is in close contact with a person who had a confirmed case of COVID-19 and is required to be excluded from Highland’s campus; or~~
- ~~d. Highland policy to be excluded from Highland’s campus due to COVID-19 symptoms; or~~

~~3. The leave is needed to take care of a child of the employee who is unable to attend elementary or secondary school because the child:~~

- ~~a. Has a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;~~
- ~~b. Has a probable COVID-19 diagnosis via an antigen test;~~
- ~~c. Is in close contact with a person who has a confirmed case of COVID-19 and is required to be excluded from school; or~~
- ~~d. Is required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.~~

~~4. The employee shall receive as many days of administrative leave as required to abide by the public health guidance, mandates, and requirements issued by the Department of Public Health. Such leave shall be provided to an employee for any days for which the employee is required to be excluded from Highland’s campus or the employee’s child is unable to attend elementary or secondary school due to reasons related to COVID-19. To be eligible to receive paid administrative leave if the request is because the employee was restricted from being on Highland’s campus, the employee must:~~

- a. ~~Be fully vaccinated no later than 5 weeks after the effective date, April 5, 2022, of this amendatory ACT of the 102<sup>nd</sup> General Assembly;~~
  - b. ~~Provide proof of the employee's positive COVID-19 test result within two college days of the request for leave. If a previous positive COVID-19 diagnosis was in the past ninety days, a medical note or isolation order confirming that the employee should be excluded from campus must be provided; or~~
  - e. ~~Provide a quarantine order from the State or Local Health Department due to a COVID-19 exposure.~~
5. ~~To be eligible to receive paid administrative leave if the request is to care for a child of the employee who is unable to attend elementary or secondary school, the employee must:~~
- a. ~~Be fully vaccinated no later than 5 weeks after the effective date, April 5, 2022, of this amendatory ACT of the 102<sup>nd</sup> General Assembly;~~
  - b. ~~Provide proof that the child attends elementary or secondary school;~~
  - e. ~~Provide proof of the child's positive COVID-19 test result within two college days of the request for leave. If a previous positive COVID-19 diagnosis was in the past ninety days, a medical note, note from the school, or isolation order confirming that the child should be excluded from school property must be provided; or~~
  - d. ~~Provide a letter from the secondary or elementary school or State of Local Health Department requiring the child to quarantine or be excluded from school property (with dates of exclusion) based on being a close contact with a person who is a confirmed case of COVID-19 or due to COVID-19 related symptoms.~~

~~E. Definitions:~~

- 1. ~~**Fully vaccinated against COVID-19:** Two weeks after receiving the second dose in a 2-dose series of a COVID-19 vaccine authorized for emergency use, licensed, otherwise approved by the United States Food and Drug Administration; or two weeks after receiving a single dose of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the United States Food and Drug Administration. Should the Centers for Disease Control and Prevention of the United States Department of Health and Human Services update the definition of "fully vaccinated against COVID-19" to include booster dose(s), this policy will adopt the new definition and employees who have not received the recommended booster dose(s) by 5 weeks after the Department of Public Health adopts the revised definition of "fully vaccinated against COVID-19" are not considered fully vaccinated for determining eligibility for future paid administrative leave.~~

#### 4.13 Leave of Absence—Full-Time Employees (Revised 6/22/21)

The College may grant a leave of absence if, in the opinion of the College, such a leave would serve the best interest of the College and the employee.

For the following purposes, an employee is eligible for a leave of absence:

- a. Without salary for a personal reason which involves travel, study, or research;
- b. For their personal illness or injury, maternity/paternity, or to care for a spouse or dependent who is ill or injured (use of accumulated unused leave time must be taken concurrently with this leave);
- c. Without salary for any other reason determined to be at the convenience of the College.

Leave of absence may be granted to any employee normally after completion of one year of employment.

If leave of absence for illness or injury is FMLA qualified, leave time under FMLA policy 4.131 will be followed first. The College may require periodic recertification by an employee's medical care provider, or the medical provider of the spouse or dependent, when the College in its discretion deems recertification is warranted.

A leave of absence normally does not exceed twelve (12) consecutive calendar months. The College will make every effort to guarantee the same or similar job at the end of the leave, unless the job itself is abolished during the period of leave.

At its discretion, the College may require an employee taking an approved leave of absence to periodically report on his or her status and intention to return to work. Failure to return required documentation, respond to communication requests or failure to return to work at the end of an approved leave of absence will be considered to be a resignation.

If an absence falls under a. or c., above, an employee currently enrolled in the College health/dental and/or life insurance plan may continue participation in those insurances by paying 100% of the monthly premium amounts to the Human Resources Office. During a leave of absence under b., above, Highland will continue to pay the employer portion of the health/dental and basic life premium amounts. If leave for maternity/paternity extends past twelve weeks (inclusive of FMLA qualified time), the employee will be responsible for 100% of the premium amounts. Employees with ten or more years of continuous service to the College who are on an unpaid leave of absence due to personal illness or injury will have health, dental (if enrolled) and basic life insurance premiums waived for six months or the period of the leave, whichever is less. Employees with fifteen or more years of continuous service to the College who are on an unpaid leave of absence due to personal illness or injury will have health, dental (if enrolled) and basic life insurance premiums waived for twelve months or the

period of the leave, whichever is less. All other fringe benefits and credit for employment will be forfeited for only the period of "on leave without pay." When and if the recipient is reinstated, according to policy, the individual will receive credit for employment previous to the leave for purposes of salary placement.

If the College learns that an employee does not intend to return to work after completion of the approved leave of absence, the employee will be liable to and required to reimburse the College for the cost of payments made, if any, to maintain the employee's benefits during the leave of absence, unless the reason not to come back is out of the employee's control. If the employee decides not to return to work, they have the ability to continue health insurance coverage for 18 months from the date benefits are terminated.

#### 4.131 Leave, Family and Medical Leave Act (FMLA) (Revised ~~1/25/22~~)

The College may grant family or medical leave of absence, or both, for eligible employees for up to 12 weeks per year (52 consecutive weeks). For purposes of this policy, the family or medical leave year will commence on the first day that family or medical leave is taken. FMLA also provides military caregiver leave for up to 26 weeks during a “single 12-month period” for the care of a covered service member with a serious injury or illness. A leave taken under this policy must be a qualified leave reason as defined below.

##### A. Qualified Leave Reasons:

The college will grant FMLA leave to eligible employees for the following reasons:

1. The employee's serious health condition which is defined as:
  - a. an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider; and
  - b. the condition prevents the employee from performing the essential functions of the employee’s job.
2. Pregnancy or pregnancy-related conditions that prevent the employee from performing the essential functions of her position.
3. The birth of a child and to bond with the newborn child within one year of birth.
4. Placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement.
5. Care of the employee's spouse, child, or parent with a serious health condition which is defined as:
  - a. an illness, injury, impairment, or physical or mental condition that involves either ran overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition; and
  - b. the condition prevents the qualified family member from participating in school or other daily activities.
6. A "qualifying exigency" relating to the active-duty status or call to active-duty in the National Guard or Reserves of a spouse, son, daughter, or parent of the employee. Qualifying exigencies include:
  - a. short-notice deployment (i.e., seven or less days of notice) for up to seven days;
  - b. military events and related activities;
  - c. to arrange for childcare, or provide childcare on an urgent basis, or for school activities;
  - d. to make financial or legal arrangements;
  - e. to attend counseling;
  - f. to spend time with the service member while on short-term leave for up to five days;



- g. for post-deployment activities for a period of 90 days following the termination of the covered military member's active duty status; and
  - h. other events that the employee and college agree is a qualifying exigency.
7. Care is required for a child, parent, spouse or next of kin who is a member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status on the temporary disability retired list as a result of a serious injury or illness incurred in the line of duty on active. A serious injury or illness may also result from the aggravation of a pre-existing condition in the line of duty on active duty. A serious injury or illness is defined as one that may render the service member medically unfit to perform the duties of the member's office, grade, rank or rating.
  8. Care is required for a child, parent, spouse or next of kin who is a recent veteran as a result of a serious injury or illness incurred in the line of duty on active. The veteran's discharge must have been other than dishonorable and occurred within a five-year period prior to the date the leave is to begin. Serious injury or illness is defined for a veteran as:
    - a. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    - b. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or more and the need for care is related to that condition; or
    - c. a physical or mental condition because of a disability or disabilities related to military service that substantially impairs the veteran's ability to work, or would do so absent treatment; or
    - d. an injury for which the veteran is enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.

Civil union partners and domestic partners are not covered under Federal law and therefore are excluded from this policy.

**B. Compensation and Benefits During Family and Medical Leave:**

1. Unused leave days (sick leave, compensatory, vacation, personal days) must be used concurrently with FMLA. When leave days have been exhausted, an employee on FMLA may request approval for a withdrawal of days from the Sick Leave Bank, following Sick Leave Bank guidelines, if they are an eligible participant. Requests for Sick Leave Bank days can only be made if the leave is for their own serious medical condition. The employee on leave will work with Human Resources to request a withdrawal of days from the Sick Leave Bank. Any portion of the FMLA period for which leave or Sick Leave Bank days are not available will be unpaid.
2. An approved leave of absence pursuant to this policy will not, however, result in the loss of any employment benefit that may have accrued before the date the leave of

absence started. During the period of any unpaid leave of absence under this policy, an employee must arrange with the College's Human Resources Office to pay the premium contributions for continuation of his or her group insurance coverages, if applicable. Responsibility for payment of any obligations previously deducted from regular biweekly pay checks, such as payroll deductions for LTD, 403(b), YMCA, Foundation contribution, union dues, etc., rests with the employee.

C. Eligibility for Family and Medical Leave of Absence:

1. To be eligible for a leave of absence under this policy, an employee must have been employed by the College for at least 12 months and must have worked at least 1,000 hours during the 12-month period preceding the commencement of the leave of absence. Thus, new employees and most part-time employees are not entitled to family or medical leave of absence.

D. Application for Leave/Notice by Employee:

1. Any employee who desires a leave of absence pursuant to this policy must notify the Human Resources Office as soon as practicable.
2. A leave of absence pursuant to this policy may be taken by an employee on an intermittent (rather than on an uninterrupted) basis or on a reduced schedule if medically necessary and as a result of an employee's serious health condition or that of his or her spouse, child, or parent. Leave due to qualifying exigencies may also be taken on an intermittent basis. The College may consider requests for intermittent or reduced leave in conjunction with the birth, adoption or foster placement of a child, but the College is not obligated to grant such requests and will do so based on the supervisor's discretion.

E. Certification Procedure (non-military):

1. Every request for a Leave of Absence pursuant to this policy must include completion of the appropriate certification document and delivery of any required supporting documents (except when the reason for the requested leave of absence is the birth of a child or the placement of a child for adoption or foster care).
2. To request leave for an employee's own serious health condition, form WH-380-E must be completed by the employee's health care provider. The employee must submit the written medical certification ***within 15 calendar days of the date the certification is requested by Highland.***
3. In its discretion, and at its own expense, the College may require a second medical opinion after an employee submits a medical certification. If the second medical opinion differs from the original medical certification, the College may require the employee to submit to examination by a third physician, the identity of whom will be agreed upon by the College and the employee requesting the leave of absence. The

College may require periodic recertification by an employee's medical care provider when the College in its discretion deems recertification is warranted.

4. To request leave for the serious health condition of a qualified family member, form WH-380-F must be completed by the employee and the family member's health care provider. The employee must submit the written medical certification ***within 15 calendar days of the date the certification is requested by Highland.***
5. FMLA certification forms are available in Human Resources.

F. Certification Procedures (military caregiver or qualified exigency):

1. Every request for a Leave of Absence pursuant to this policy must include completion of the appropriate certification document and delivery of any required supporting documents.
2. To request leave for a "qualifying exigency" due to a spouse, son, daughter or parent's active duty service, an employee is required to complete form WH-384 and submit the form along with supporting documents ***within 15 calendar days of the date the certification is requested by Highland.***
3. To request leave to care for an injured service member (defined as spouse, child, parent or "next of kin") form WH-385 must be completed by the employee and the family member's health care provider. The employee must submit the written medical certification ***within 15 calendar days of the date the certification is requested by Highland.***
4. FMLA certification forms are available in Human Resources.

G. Approval/Denial of Leave:

1. Once the College is aware of the request for FMLA, a "Notice of Eligibility and Rights and Responsibilities" form will be provided to the employee to establish eligibility and request additional documentation, if necessary, to determine whether the leave qualifies under FMLA. Once sufficient documentation is provided, the College will designate the requested leave accordingly within five business days through the "Designation Notice" form, absent extenuating circumstances.

H. Conditions of Family and Medical Leave of Absence:

The following conditions apply to a leave of absence pursuant to this policy:

1. In its discretion, the College may require an employee taking an approved leave of absence to periodically report on his or her status and intention to return to work.
2. The College may contact the provider to authenticate or clarify information contained in the medical certification. Additionally, the College may contact the appropriate

unit of the Department of Defense to confirm that the covered military member is on active duty or call to active duty status.

3. An employee taking an approved leave of absence may not work for another employer performing the same or similar duties that the employee's medical certification form states he or she is unable to perform. If an employee engages in the same or similar duties for another employer that have been restricted by a medical provider during the leave of absence, the employee will be considered to have violated the terms of the leave of absence, and to have voluntarily terminated his or her employment with the College.
  4. If an employee is granted a leave of absence on an intermittent basis or on a reduced schedule basis, the College may require the employee to temporarily transfer to an alternative position that accommodates the employee's recurring absences or part-time schedule.
  5. Spouses that are both employed by the College are entitled to 12 weeks of leave in total, rather than 12 weeks leave of absence each (or 26 weeks in total in the case of caring for a covered service member) if the leave is for the birth or care of a child, the placement of a child for adoption or foster, or a qualifying military exigency.
  6. If at the time of applying for a leave of absence or during the leave of absence the employee intends not to return to work or decides not to return to work after completion of the leave of absence the employee will be liable to and required to reimburse the College for the cost of payments made to maintain the employee's benefits during an unpaid portion of the leave of absence, unless the failure to return to work was due to the recurrence or onset of a serious health condition, or was otherwise beyond the employee's control. If the employee decides not to return to work, they have the ability to continue any health insurance coverage for 18 months from the date benefits are terminated under COBRA.
  7. Engaging in fraud, misrepresentation or providing false information to the College or any health care provider is prohibited. If an employee is found to have engaged in this behavior, they may be subject to discipline, up to and including termination. If the employee is terminated, the employee would not be eligible to continue health insurance under COBRA.
- I. Conditions if on FMLA to Care for Injured Service Member under National Defense Authorization Act:
1. The law provides that leave taken under this section is only available during a single 12-month period. Additionally, employees who utilize this provision are eligible for a combined total of 26 weeks of FMLA leave. For example, an employee who, in a single 12-month period, has already taken 12 weeks of FMLA leave for the birth of a child would be entitled to only 14 additional weeks to care for a "covered service member." When both husband and wife work for the same employer, the total amount of available leave to which both are entitled is limited to a combined total of 26

workweeks. In addition, the provisions under numbers H1, 2, 3, 4, 6 and 7 above apply to this section.

J. Return From an Approved Family and Medical Leave of Absence:

1. Upon returning from an approved leave of absence granted as a result of an employee's own serious health condition, an employee must present written medical certification from his or her medical care provider stating that he or she is able to perform the essential functions of his or her job with or without reasonable accommodation. At that time, the College will place the employee in his or her former position. If the former position is not available, the employee will be placed in an equivalent position with equivalent compensation and benefits. If an employee does not return to work on the agreed upon date, the employee will be considered to have voluntarily terminated his or her employment. If leave extends beyond 12 weeks, the employee can request leave under policy 4.13 (Leave of Absence).

With respect to "highly paid" or "key" employees, there may be circumstances where no positions are available upon the expiration of his or her leave of absence. In such circumstances, the employee will be terminated from the College. A "key" or "highly paid" employee is a salaried Highland employee who is among the highest paid 10 percent of those Highland employees (salaried or hourly) working within 75 miles of the College location at which the employee is assigned.

4.132 Leave, Victims Economic Security and Safety Act (VESSA) (Revised 6/22/21)

In accordance with the Illinois Victims Economic Security and Safety Act (VESSA) ~~of 2003~~, leave shall be granted to an employee who is a victim of domestic, gender or sexual violence or who has a family or household member (defined as spouse or Civil Union partner, parent, son, daughter, grandparent, grandchild, sibling-and, persons jointly residing in the same household, and other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee) who is a victim. Gender violence is defined as violence or aggression that is illegal under State law and committed, in part, on the basis of a person's actual or perceived sex or gender whether or not criminal charges were ultimately brought.

Up to twelve (12) weeks of unpaid leave per year (52 consecutive weeks) may be taken. For purposes of this policy, the initial one year period will commence on the first day that VESSA is taken. VESSA does not create a right for the employee to take a leave that exceeds the leave time allowed under, or in addition to, the leave time permitted by the Family and Medical Leave Act (FMLA). For employees on VESSA leave who are also eligible for FMLA leave, VESSA leave time is not in addition to the 12 week FMLA entitlement when the reason for VESSA leave also qualifies under FMLA, but depletes the 12 week FMLA entitlement when used. An employee who may have exhausted all available leave under FMLA, for a purpose other than that which is available under VESSA, remains eligible for leave under VESSA.

Employees taking leave under VESSA must use ~~accumulated~~, unused paid leave days as allowable per leave policies. ~~Sick leave may not be used for VESSA leave for non-medical reasons. Accumulated, unused vacation and personal days must be used for non-medical reasons.~~ When an employee is taking VESSA leave of absence concurrently with FMLA, they will be required to use ~~accumulated~~, unused leave days (sick leave, vacation, personal days) as outlined in FMLA policy 4.131.

A. Eligibility for VESSA Leave of Absence:

All active full-time and part-time employees are eligible to take leave under this policy.

B. Entitlement of Leave:

Leave shall be granted for the following:

1. To seek medical attention or counseling 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 psychological or other counseling for the employee or household member.

3. To obtain victim services for the employee or 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 or sexual violence.
5. Seek legal assistance to ensure the health and safety of the victim, including participating in court proceedings related to the violence.

C. Application for Leave/Notice by Employee:

Any employee who desires a leave pursuant to this policy must notify the Human Resources Office with 48 hours notice in advance, unless providing such notice is not practicable.

A leave pursuant to this policy may be taken by an employee on an intermittent basis or on a reduced work schedule.

D. Certification Procedure:

Every request for leave under this policy must include a written medical certification from the employee's, the employee's family or household member's licensed medical care provider if the employee is requesting VESSA leave for a serious health condition as outlined under FMLA policy 4.131. If the employee is requesting leave under VESSA for reasons other than medical, the employee may be asked to provide documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from who the employee or the employee's family or household member has sought assistance; a police or court order; or other corroborating evidence.

E. Conditions of VESSA Leave of Absence:

The following conditions apply to a leave of absence pursuant to this policy:

1. In its discretion, the College may require an employee taking an approved VESSA leave of absence to periodically report on his or her status and intention to return to work.
2. Any employee taking an approved VESSA leave of absence due to a serious health condition, may not work for another employer performing the same or similar duties that the employee's medical certification form states he or she is unable to perform. If an employee engages in the same or similar duties for another employer that have been restricted by a medical provider during the leave of absence, the employee will be considered to have violated the terms of the leave of absence, and to have voluntarily terminated his or her employment with the College.

3. If an employee is granted a VESSA leave of absence on an intermittent basis or on a reduced schedule basis, the College may require the employee to temporarily transfer to an alternative position that accommodates the employee's recurring absences or part-time schedule.
4. If at the time of applying for a VESSA leave of absence or during the leave of absence the employee intends not to return to work or decides not to return to work after completion of the leave of absence for reasons other than the continuation, recurrence or onset of domestic, gender or sexual violence or other circumstances beyond the employee's control, the employee will be liable to and required to reimburse the College for the cost of payments made to maintain the employee's benefits during an unpaid portion of the leave of absence.
5. If the employee decides not to return to work, they have the ability to continue any health insurance coverage for 18 months from the date benefits are terminated under COBRA.

F. Compensation and Benefits during VESSA Leave of Absence:

An approved leave of absence pursuant to this policy will not, however, result in the loss of any employment benefit that may have accrued before the date the leave of absence policy started. During the period of any unpaid leave of absence under this policy, an employee must arrange with the College's Human Resources Office to pay the premium contributions for continuation of his or her group insurance coverages, if applicable. Responsibility for payment of any obligations previously deducted from regular biweekly pay checks, such as payroll deductions, rests with the employee.

G. Return from an Approved VESSA Leave of Absence:

Upon returning from an approved VESSA leave of absence, the College will place the employee in his or her former position. If the former position is not available, the employee will be placed in an equivalent position with equivalent compensation and benefits. If the employee returns from an approved leave of absence granted as a result of an employee's own serious health condition, the employee must present written medical certification from his or her medical care provider stating that he or she is able to perform the essential functions of his or her job with or without reasonable accommodation.

If an employee does not return to work on the agreed upon date, the employee will be considered to have voluntarily terminated his or her employment. For full-time employees, if leave extends beyond 12 weeks, the employee can request leave under policy 4.13 (Leave of Absence).



H. Non-discrimination:

The College will not discharge or otherwise discriminate against an employee who is a victim of domestic, gender or sexual violence. The College will not discharge, harass, discriminate or retaliate against an employee taking leave from work as a result of domestic, gender or sexual violence in order to: seek medical attention or counseling for injuries or psychological trauma, obtain victim services, relocate, seek legal assistance or participate in a related court proceeding.

4.16 Leave, Personal Days (Revised 6/21/23)

- A. Each full-time college administrative, professional or classified employee is entitled, subject to prior supervisory approval, to three (3) to five (5) paid personal leave days per fiscal year, accrued one-half day every two months front loaded at the beginning of each fiscal year, specifically for the purpose of completing personal business and complying with the Illinois Paid Leave for All Workers Act. Regular part-time college administrative, professional or classified employees will receive a pro-rated amount based on their scheduled hours. Newly-hired employees will have a 90-day waiting period before using personal days.
- B. Under the Illinois Paid Leave for All Workers Act, short-term employees in higher education are excluded from the mandate. Short-term employees are defined as being employed for less than 2 consecutive calendar quarters; and have no reasonable expectation that they will be rehired by the same employer for the same service in a subsequent year. The Act provides that paid leave shall accrue at the rate of one hour for every 40 hours worked. Therefore, any employee not expected to work 40 hours during the year, would be excluded from accruing leave.
- C. Each eligible part-time limited employee, those generally hired on limited term assignments, usually on a semester to semester basis, such as paraprofessionals and lab assistants, will receive an amount based on their scheduled hours, front loaded at the beginning of each assignment. Coaches and assistant coaches will be treated similarly.
- A.D. Each eligible part-time instructor will receive an amount based on working 28 hours per week, front loaded at the beginning of each semester.
- B-E. Employees may use the time for any reason of their choosing in increments of at least two hours. Where foreseeable, employees should provide at least a 7 days notice. Otherwise, the leave request should be made as soon as possible.
- C-F. Personal leave hours must be used by the end of each fiscal year. Any unused personal leave hours at the end of each fiscal year are not carried over. Unused hours are not paid at the time of termination.
- D-G. If more personal leave is used than earned when an employee resigns, retires or is terminated, it will be deducted from the last pay. If the employee does not have enough earnings available in their last pay check to cover unaccrued, used personal time, the employee will be expected to make arrangements to repay the College.
- E-H. If an employee is rehired within 12 months, they will be reinstated with any previously unused personal time.



#### 4.17 Leave, Military (Revised 6/22/21)

All part-time and full-time employees (excluding temporary positions) are eligible for military leave. Employees who are members of any reserve component of the United States Armed Services, the National Guard, or the Illinois State Guard, should advise the College of their military service in advance of pending military service.

Military leave will be administered pursuant to applicable State and federal laws, including the Uniformed Services Employment and Reemployment Rights Acts (USERRA), the Illinois Service Member Employment and Reemployment Rights Act (IERRA) and the Illinois Public Community College Act (IPCCA) (110ILCS/805/3-26.1). The College will process and administer compensation and benefits during military leave in accordance with applicable law and administrative guidelines.

Consistent with the IPCCA, any employee who is mobilized to active military duty will receive the same regular compensation that the employee receives or was receiving as an employee of the College at the time of the mobilization to active military duty, plus any health insurance and other benefits he or she was receiving or accruing at that time, minus the amount of the base pay for military service. The employee is required to furnish proof of military compensation prior to receiving pay from the College. Consistent with IERRA, an employee may elect to use accrued vacation or personal leave with pay in lieu of differential compensation during any period of military leave.

If, as a result of service in the armed services, the employee is not physically or mentally qualified to perform the duties of the former or equivalent position, the College will make every effort to offer employment in a position for which the employee's is qualified to perform, at the rate of normal compensation for that position. Upon return to active employment from Military Leave of Absence, the employee shall have the Military Leave of Absence time credited to the employee's length of service. The employee may apply to the State Universities Retirement System for service credit for the length of their leave as long as they meet the return from leave qualifications under SURS.

Consistent with IERRA, during the periods of military leave for annual training for members of a reserve component, full-time employees shall continue to receive full compensation as a public employee for up to 30 days per calendar year and military leave for purposes of receiving concurrent compensation may be performed non-synchronously. During periods of military leave for active service full-time employees shall receive the same regular compensation that the employee receives minus the amount of the base pay for military service.

The employee's military duty shall not result in the loss or diminishment of any employment benefit, service credit or status accrued at the time the duty commenced. An employee who is absent on military leave shall, for the period of military leave, be credited with the average of the efficiency or performance ratings or evaluations received for the three years immediately before the absence for military leave. Additionally, the rating shall not be less than the rating that he or she received for the

rated period immediately prior to his or her absence on military leave. In computing seniority and service requirements for promotion eligibility or any other benefit of employment, the period of military duty shall be counted as civilian service.

Employees who are members of any reserve component, upon the completion of active military service, shall be entitled to continued employment rights and reemployment rights consistent with USERRA. Employees returning from active duty should notify the College of the conclusion of their active duty as soon as possible as consistent with USERRA. Failure to notify the College as required under USERRA may result in a waiver of rights.

4.18 Leave, Witness and Jury Duty (Reaffirmed ~~6/22/21~~)

Full-time and part-time personnel required by the courts to perform witness and jury duty will be excused for the time required to perform such duties from regular duties upon presentation to the immediate supervisor of evidence indicating the necessity for a legal appearance.

Such witness and/or jury duty shall not result in any loss of compensation or fringe benefit rights that the employee is otherwise eligible for from the college.

In the case of an employee being a litigant (plaintiff or defendant in a lawsuit) this policy is not applicable. Days of absence so involved may be applied to any personal leave days, vacation days or unpaid leave days to which the employee is entitled or shall be counted as days of absence without pay. Proper prior notification should be given to the immediate supervisor relative to the circumstances.

Those eligible for witness and jury duty benefits applicable to their circumstances are:

- A. Those who are employed on approximately a 40 hour per week schedule or otherwise have administrative and/or teaching responsibilities that are regarded as full-time.
- B. Classified personnel who are regularly employed at least one-half time.

4.181 Leave, Other (New )

Highland Community College provides time off in accordance with federal and state laws that may not specifically be identified in other policies. These include time off rights for things such as School Visitation, Voting, and Blood Donation. Employees should contact their supervisor or Human Resources to determine if these or other time off rights apply to them.

4.191 Leave, Sabbatical for Administrative and Professional Employees (Revised 6/22/21)

1. A sabbatical leave of absence may be awarded to qualified full-time administrative and professional staff for the purpose of improving the employee's ability to serve the students, faculty, and/or staff of Highland Community College. This sabbatical leave is to be differentiated as separate and distinct from other leaves of absence.
2. Employees are eligible to apply for a one-month, at minimum, or a one-year, at maximum, sabbatical leave after completing seven consecutive years of full-time service at the College. Other leaves of absence should not be deemed a break in the continuity of service and shall be included as a year of service in computing the seven consecutive years of service required for sabbatical leave.
  - a. A one academic year sabbatical leave granted to an employee shall bar the individual from any further sabbatical leave until the completion of six or more years of additional continuous active service. An employee taking less than a one-year sabbatical leave may apply to take a second sabbatical leave during any future academic year, provided the combination of the sabbaticals is at maximum one-year. Upon completion of the second sabbatical leave, the employee will not be eligible for any further sabbatical leave until the completion of six or more years of additional continuous active service.
  - b. The purpose of the sabbatical leave shall be to directly improve the employee's ability to serve the students, faculty, and/or staff of Highland Community College. As approved by a sabbatical committee, a sabbatical may be taken for four purposes. Each sabbatical category shall be regarded as having equal legitimacy with each contributing to the diversity of Highland as a comprehensive community college.
    - (1) A sabbatical leave for work experience may be undertaken for work experience. Work experience sabbaticals should be available to employees who intend to work in fields related to their professional growth. If no salary is to be paid by the employer where the work experience is being conducted, the College will pay at the normal sabbatical rate and all fringe benefits shall remain in force. In a situation where the employer does pay a salary, this shall be administered on a contract basis between the College and the employer. The amount of salary to be paid to and fringe benefits received by the exempt staff member shall be negotiated between the College, the employer, and the exempt staff member. At the minimum, the salary shall be no lower than the applicable sabbatical rate: and fringe benefits shall be equal to those typically received.
    - (2) A sabbatical leave may be undertaken for full-time study (as defined by the designated institution) or its equivalent. With committee approval, a sabbatical may be undertaken at a less than full-time study load and with a proportionate salary reduction.
    - (3) A sabbatical leave may be undertaken for the purpose of scholarship or research. Such a sabbatical may lead to, but is not limited to, the



- publication of a book or article, or other project which enhances the applicant's knowledge of their area of study and/or teaching.
- (4) A sabbatical may be undertaken for the purpose of study not related to the completion of an academic degree. This may include, but is not limited to, exchanges or study abroad.
- c. The recipient of a sabbatical leave must agree in writing to return to service for a two-year term after completion of the sabbatical leave. If such agreement is not fulfilled, the recipient shall be expected to repay the monies received while on sabbatical leave to the College under such procedures as shall be determined by the College. Normally, the expected repayment will be pro-rated for the service during the two-year term requirement.
3. The amount of salary paid for a sabbatical leave shall be three-fourths of the employee's base salary for the period in which the sabbatical leave is taken. The salary shall be paid in the same manner as it would be if the employee were not on a leave of absence.
4. Return to Service
- a. Salary increments and retirements
- (1) The sabbatical leave of absence shall be considered as time in service.
- (2) The sabbatical leave of absence shall be considered as time in service for retirement purposes in accordance with SURS requirements. Retirement deductions will be based on the salary received and the percent deducted for retirement purposes for that year.
- b. The recipient will be reinstated in the position held by the employee at the time the sabbatical was granted provided that position still exists, unless the employee otherwise agrees to accept another position. In the event the position does not exist and the recipient does not accept another position, the recipient would not be obligated to repay the monies received while on sabbatical leave.
- c. Each recipient granted a sabbatical is required to submit a written progress report to the recipient's Sabbatical Committee, their direct supervisor and the President at the midpoint of their approved sabbatical. Any modification of the original application for sabbatical leave must be submitted to the Sabbatical Committee before the midpoint of the approved sabbatical leave. Lack of progress toward completion of the goals of the sabbatical leave as determined by the Sabbatical Committee and the President may be cause for revocation of the sabbatical leave and repayment of any salary or reimbursement received as a result of granting the sabbatical.
- d. Within sixty days of returning to duty, a final report is to be submitted in writing to the Sabbatical Committee, the direct supervisor and the President. Also, a presentation related to the accomplishment of the goals of the sabbatical will be given to the President and the Board of Trustees.
- e. The recipient shall submit to the respective Vice President a transcript of credits. Upon return to duty, the recipient shall be expected, if called upon, to share the experience with interest groups throughout the College district.

5. The following guidelines are to be followed in determining the number of employees permitted a sabbatical leave in any one year:
  - a. One sabbatical leave of one-year in length may be supported in any fiscal year. Two sabbaticals summed to one fiscal year or less may be supported in any one fiscal year. Only one employee may be on sabbatical leave at any one time.
  - b. In the case that multiple proposals are received by the Sabbatical Committee, they will be ranked on the basis of meeting sabbatical criteria, the enhancement of student learning outcomes and applicability to College priorities and/or objectives. Preference will be given to staff applications submitted due to the reduction in size or phase out of a staff member's position/program and the resulting need for retraining to satisfy projected needs.
  
6. Sabbatical Application Procedure
  - a. The sabbatical application must outline the purpose of the sabbatical, what activities will be pursued, and the timeframe of the sabbatical. Sabbatical leave applications must be submitted to the employee's direct supervisor for input and consultation six months preceding the time for which the sabbatical is desired. The direct supervisor shall forward completed applications to the Sabbatical Committee within a month of receipt.
  - b. The Sabbatical committee will be determined by the President with selections accounting for the nature of the sabbatical. The committee shall be comprised of six members: chair (voting member, any job classification), human resources generalist, administrator, professional staff, faculty, and academic division head. The President and direct supervisor will not serve on the committee.
  - c. The sabbatical request, if approved by the Sabbatical Committee, shall be presented to the President no later than four months prior to sabbatical leave request time. In the event the President does not concur with the recommendations of the committee, the President shall, within ten academic days of receipt, return the request to the committee, giving the reasons for the action.
  - d. If the sabbatical request is approved by the President, the President shall prepare a recommendation to present to the Board of Trustees for final approval at the next regular Board meeting. The applicant shall be informed of the Board decision not later than the day following the regular Board meeting by the President's Office.

4.192 Educational Assistance (Revised ~~6/22/21~~)

After completion of one full year of employment, full-time administrative, professional and classified employees may receive, at a regionally accredited educational institution other than the College and subject to approval of the immediate supervisor, educational assistance from the College at the rate of \$350 per semester hour, or the actual tuition cost per semester hour, whichever is less. Educational assistance will be paid upon submission of evidence indicating satisfactory course completion. Total allowable grants shall not exceed \$5,000 to any one person during any two-year period starting at the time initial coursework is commenced.

#### 4.20 *Holidays Observed* (Revised ~~1/22/22~~)

The following days are recognized as holidays, at least eleven of which shall be observed each year: New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, President's Day, Washington's Birthday, Casimir Pulaski's Birthday, Good Friday, Memorial Day, Independence Day, Juneteenth Day, Labor Day, Columbus Day, Veteran's Day, the day preceding Thanksgiving, Thanksgiving, the Friday following Thanksgiving, Christmas, and the day preceding Christmas.

If the holiday falls on a Saturday, it will be observed at Highland Community College on the preceding Friday, and if the Holiday is on a Sunday, it will be observed at Highland Community College on the following Monday. Holidays to be observed are listed in the academic calendar. Where an employee has an assigned weekly work schedule other than Monday through Friday and holiday observed by the College falls on one of the assigned non-work days, the employee's supervisor will schedule the workday either immediately before or after the holiday to be observed as the holiday for this employee.

4.21 Payroll (Reaffirmed 6/22/21)

- A. All employees shall normally be paid at the end of alternate work weeks.
- B. All employees shall default to direct deposit. If the employee does not wish to participate in direct deposit, they will complete and submit an opt out form to the Payroll Office.
- C. Employees under direct deposit will automatically be signed up for paperless vouchers and can view and print them on the College's payroll system. HR/Payroll staff can assist with accessing on-line vouchers. Live payroll checks will be mailed prior to pay day
- D. Payroll Deductions: The Payroll Office shall provide all personnel the opportunity for payroll deductions according to administrative procedures.

4.22 Fringe Benefits (Revised ~~6/22/21~~)

Employees are eligible for fringe benefits that are in force from time to time as approved by the Board of Trustees. See Fringe Benefit Schedule on the staff portal. All employee fringe benefits remain in effect during use of paid vacation, paid personal leave, and paid sick leave.

4.221 Bookstore—Purchase by Employees (Reaffirmed ~~6/22/21~~)

All full-time and part-time faculty and staff may purchase textbooks, for use by themselves, their spouse, Civil Union partner, or domestic partner or their dependents (as defined in Policy 4.223) at a discount off retail price equal to the markup (not to exceed 20%).

All full-time and part-time faculty and staff may purchase clothing and gift items at a 20 percent discount. The discount on technology and software products will be determined by the bookstore on an item by item basis. There will be no discounts on the following items: rental texts, meal cards, computer math software licenses, magazine subscriptions, and transit passes.

No discounts will be applied to sale items unless specified by the bookstore manager.

The employee eligible for the discount must be present when the discounted purchase is made.

4.222 Insurance, Group Hospitalization and Group Major Medical (Revised ~~6/22/21~~)

- A. A group hospitalization and major medical plan or plans adopted by the Board of Trustees is available to all regular employees regularly scheduled to work 30 or more hours per week, their spouses, Civil Union partners or domestic partners, as well as dependent children as defined in the insurance contract. Employees are required to contribute a portion of the cost of coverage.
  - 1. Regular administrators, professional, faculty, and classified employees regularly scheduled to work 30 or more hours per week will be covered from their first day of employment and dependents' coverage may begin simultaneously.
  
- B. The Highland Community College district will pay the hospitalization and life insurance premiums on continuing full-time or adjunct faculty working the equivalent of 30 or more hours per week during those months of the year that the continuing employee is not working at Highland Community College.