


Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08
	Issue Date:	6/26/08
	Page 1 of 10	

Section 62-176 General Policy

Winnebago County will provide leaves of absence to its employees in accordance with state and federal law, applicable collective bargaining agreements and as set forth below. Employees are encouraged to use these benefits but should be aware that eligibility for leaves of absence may be affected by a failure to follow the policies below in requesting or verifying the need for a leave. An absence that does not qualify or is not approved as leave under one of the policies below will be treated as an attendance issue under other absenteeism and/or attendance policies. While employees are encouraged to use benefits, the abuse or misuse of benefits will result in disciplinary action including, in appropriate cases, termination of employment.


Leave may be available to eligible employees in one of three categories:

- (1) Family and Medical Leave Act qualified
- (2) Discretionary leaves of absence
- (3) Other leaves of absence.

Please consult the policies below or the Human Resources Department or Department Designee with questions regarding availability of and eligibility for leave. Generally, the only benefit that will be continued during an FMLA qualified leave or a discretionary leave is participation in the County’s group health plan. Employees who continue group health plan benefits during a leave of absence will be responsible for payment of employee contributions to health plan costs or risk losing coverage as more fully explained below.

To the extent that any description of benefits in this policy conflicts with an applicable collective bargaining agreement, the collective bargaining agreement will govern.

Nothing in this policy is intended to alter the at-will status of any non-bargaining unit employee and this policy should not be construed as a contract or promise of continued employment. This policy is intended to be a guideline only and is not intended to be all-inclusive or all-exclusive because it is not possible to address all factual scenarios. Common sense will dictate. No one other than the County Board is authorized to modify, revoke or change the policies outlined herein. Discretionary policies may be modified or revoked by the County Board at any time with or without notice.

Description: LEAVES OF ABSENCE POLICY		Policy Number: 62-176--- 62-180	
	WINNEBAGO COUNTY	Revision Date:	6/26/08
		Issue Date:	6/26/08
		Page 2 of 10	

Section 62-177 Family and Medical Leave Act (Injured Service Member Act)

Employees who are eligible may be granted up to twelve (12) weeks of Family and Medical Leave during any 12-month period, in accordance with the Family Medical Leave Act of 1993 (FMLA) and up to twenty-six (26) weeks of leave in any 12-month period in compliance with the expansion for Injured Service member Act of 2007. This leave shall be unpaid and Winnebago County will require any employee taking leave under this policy to use all accrued and unused vacation, sick time, and personal time in conjunction with the FMLA qualified unpaid leave. This includes employees absent from work due to a work related injury or illness within the meaning of the Illinois Workers' Compensation Act.


(a) Eligibility

Generally, employees of Winnebago County who have been employed for at least twelve (12) months (which may include part time and temporary service and may not have to be consecutive employment); **and** have worked at least 1,250 hours (which does not include paid time off, *i.e.*, vacation, sick pay, *etc.*) in the twelve (12) month period preceding the request.

(b) Qualifying Events.

Eligible employees may request FMLA leave for one or more of the following reasons:

- a. The birth or adoption of a child of or by the employee;
- b. To care for a spouse, child, or parent of the employee with a serious health condition;
- c. A serious health condition of the employee (including work related injuries/illnesses); or
- d. Under the Injured Service Member Act, to care for an injured or ill service member. This law allows an eligible employee to take up to 26 weeks during a single 12-month period to care for a spouse, child, parent or next-of-kin who is injured or recovering from an injury suffered while on active military duty and who is unable to perform his or her military duties.

Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180	
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08	
	Issue Date:	6/26/08	
	Page 3 of 10		

(c) Definitions:

For purposes of leave under this policy the following terms shall be defined as follows:


Spouse: Spouse shall mean only those domiciled with and legally recognized under Illinois law as married;

Child: Child shall mean the natural or adopted minor child, a minor for who the employee is the legal guardian or a minor child with who the employee is *in loco parentis*. This does not include children of the employee for who the employee does not actually provide care and/or support. In the case of adult children, leave will be allowed only if the adult child is suffering from a disability, that he or she is not capable of caring for him or herself and with who the employee requesting leave is *in loco parentis*; and

Serious Health Condition: A serious health condition means an illness, injury, impairment, or physical or mental condition which is being treated by a licensed health care provider, such as a medical doctor, on a continuing basis or which requires inpatient care such as hospitalization.

(d) Duration of FMLA Leave.

An eligible employee can take up to twelve (12) weeks (or up to twenty-six (26) weeks of leave to care for an injured or ill service member) under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee first uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or up to 26 weeks of leave to care for an injured or ill service member) of available leave, with the balance remaining being the amount the employee is entitled to take at that time. The twelve (12) weeks granted under this policy does not expand nor is it in addition to leave provided under the state Victims Economic Security and Safety Act. (See below in Section 3, Other Leaves of Absence.)

Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180	
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08	
	Issue Date:	6/26/08	
	Page 4 of 10		

If spouses are both employees of the County, and both want to take leave for the same event, such as the birth of a child, or due to the serious health condition of one, they will only be allowed a total combined 12 weeks, to be divided between them as requested. In the case of the spouses requesting time to care for the same service member under Injured Service Members Act, the combined leave total will be limited to 26 weeks.

Leave does not have to be taken concurrently and in some cases will be allowed “intermittently or on a reduced leave schedule.” For example, an employee may be allowed to be absent 4 hours, twice a week, in order to undergo dialysis. In no case will FMLA qualified leave exceed 12 work weeks (or 26 weeks of leave to care for an injured or ill service member) over a 12 month rolling leave period.

(e) Limitations on FMLA Leave.


This policy is intended to provide information to employees and is not intended to be comprehensive. Every situation will be addressed based on the needs of the employee as well as the operational, administrative and personnel needs of the County. The Family Medical Leave Act and the regulations of the U.S. Department of Labor may be consulted to address questions and situations not covered by this policy.

Intermittent and reduced schedule leave will be scheduled with minimal disruption to an employee’s job. In exercising rights under this policy, employees are expected to cooperate by, for example, scheduling appointments during scheduled time off or outside of working hours.

(f) Utilizing FMLA Leave.

It is each employee’s responsibility to give the County notice of the need for leave. In cases where the need for leave is foreseeable, such as “bonding leave” requested for the birth or adoption of a child, employees will be expected to provide notice at least thirty (30) days in advance. In every case, notice of the need for FMLA qualified leave should be provided as soon as is possible.


In a case where an employee fails to provide 30 days notice of the need for leave in a foreseeable situation and no reasonable explanation can be provided for the failure

Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180	
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08	
	Issue Date:	6/26/08	
	Page 5 of 10		

or delay to provide notice, the County may require delay of the beginning of leave for up to 30 days from the date notice is given in order to meet the operational and administrative needs of the County.

In a situation where an employee is absent and the County believes the reason for the absence may be due to an FMLA qualified event, the County will designate the leave as qualified and provide the employee with a written designation and verification form. The employee is responsible for completion and return of the verification form within 15 days of receipt. If the reason for leave involves treatment by a health care provider, that provider must complete the verification form or provide written verification of the health condition being treated, the reasons for leave, restrictions, limitations and/or accommodation requested, and expected return date. The failure to return the fully completed verification form may result in the leave not being qualified as FMLA protected in which case the leave will be treated as an absence under other applicable absenteeism and/or attendance policies. The submission of false or fraudulent information under this policy may result in discipline up to and including termination. Any information provided to the Human Resources Department or its designees under this policy under will be maintained confidentially and in accordance with ADA and HIPAA guidelines.

An employee who fails to return to work and does not contact the Human Resources Department or Department Designee at the expiration of an FMLA qualified leave will be assumed to have voluntarily abandoned his or her position with the County. Upon return from an FMLA qualified leave of absence, the employee will be returned to the same position held prior to the leave or to an equivalent position with equivalent pay, benefits, seniority. Employees returning from an FMLA qualified leave taken due to a serious health condition will be required to provide verification from a health care provider of fitness for work, restrictions and/or accommodations needed. The County may, at its expense, require a returning employee to undergo an independent medical examination in order to determine fitness for work, restrictions and/or accommodations needed. An employee must be otherwise entitled to reinstatement in order to be returned to employment at the end of an FMLA qualified leave.


Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08
	Issue Date:	6/26/08
	Page 6 of 10	

Section 62-178 Discretionary Leaves of Absence

Employees who are not eligible for FMLA qualified leave or have exhausted FMLA qualified leave, who are not absent due to a work related injury or illness, and are unable to report/return to work may make a written request to the Human Resources Department or it designees for a discretionary leave of absence. The employee making the request should outline the reason for and expected duration of the leave. The Human Resources Department or its designees will forward the request to the Department Head with recommendations on whether the request should be granted. The Department Head shall have the right of final approval of a request under this policy. The County may request documentation and/or verification of the reason for any request under this leave. The failure to provide verifiable documentation or verification under this policy may result in the leave being treated as an absence under other applicable absenteeism and/or attendance policies. The submission of false or fraudulent information under this policy may result in discipline up to and including termination. Information provided to the Human Resources Department or its designees under this policy shall be maintained confidentially and in accordance with ADA and HIPAA guidelines.

Unpaid discretionary leaves of absence will not be granted unless/until all accrued and unused paid time off (except that sick pay will be used only if leave is for applicable reason under sick pay policy) is used and exhausted. During a period of unpaid leave under this policy no benefits will accrue. Group health plan benefits will be continued on the same terms and conditions as existed at the beginning of the leave period as noted in the health insurance section below.

Leave granted under this policy will be entirely at the discretion of Winnebago County except that requests may not be arbitrarily or capriciously denied. In considering requests under this policy, Winnebago County will consider such factors as the requesting employee's tenure and work record, the nature of the position held as well as the administrative, personnel and operational needs of the County. No leave granted under this policy will be greater than twelve (12) weeks in duration. An employee who has been off of work in excess of (12) twelve months may be terminated. Prior to the expiration of a leave granted under this policy, it is the employee's responsibility to request an extension if an extension is desired. An employee returning to work from a discretionary leave taken for medical or health reasons must provide a written verification from a health care provider of his or her fitness for work, restrictions and/or accommodations needed. In such a case, the County

Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180	
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08	
	Issue Date:	6/26/08	
	Page 7 of 10		

may, at its expense, require a returning employee to undergo a medical examination to determine fitness for work, restrictions and/or accommodations needed.


Although it will endeavor to return an employee to the position held at the time leave commenced under this policy, the County does not and cannot guarantee that an employee granted leave pursuant to this policy will be returned to the same position or a substantially similar position. If an employee is returned to a different position than that held when the leave commenced it will be at the level of pay, benefits and seniority incumbent with the position offered.

Section 62-179 Other Leaves of Absence

(a) Military Leave

Employees who are called to active duty in any component, regular, reserve or National Guard, of the U.S. Armed Services (the Air Force, Army, Coast Guard, Marine Corps and Navy) will be granted an unpaid leave of absence not to exceed five (5) years for that period of active duty. An employee returning to employment following a period of active duty shall be treated by Winnebago County as though he/she had been continuously employed in terms of seniority, pay, benefits, promotions, *etc.* Employees are expected, to the extent possible, to provide Winnebago County with a copy of orders or other notice of a period of active duty. Additionally, employees must notify the Winnebago County Human Resources Department or its designee, of their intent to return to work within 90 days of the end of a period of active duty or will be considered to have voluntarily resigned their positions.

Pursuant to the terms of the Illinois Military Leave of Absence Act and as public employees, employees shall continue to receive their compensation during leaves for annual training. In the event of a leave for specialized or advance training or basic training of up to sixty (60) days, employees will be paid the difference between their military pay and their pay as public employees if the military pay is less than regular pay, based on a scheduled work week without overtime. After sixty (60) days, the differential pay shall cease and further leave shall be unpaid. Employees activated for service shall continue to be paid the difference between their military pay and their pay as public employees if the military pay is less than regular pay, without overtime. (*See 5 ILCS 325/0.01 et seq.*)

Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08
	Issue Date:	6/26/08
	Page 8 of 10	

(b) Victims Economic Security and Safety Act (VESSA Leave).


Employees of Winnebago County who are victims of domestic abuse or who have children that are victims of domestic abuse may request unpaid time off in order to attend to matters such as obtaining domestic orders of protection or recovery from injuries received as the result of domestic abuse. Additionally, Winnebago County will act to reasonably accommodate employees under this policy where requested. Leave granted under this policy shall not exceed twelve (12) weeks in any year based on a rolling leave period which begins with the first day of leave. The twelve (12) weeks granted under this policy does not expand nor is it in addition to leave provided under the federal Family and Medical Leave Act. Employees taking leave under this policy will be required to use accrued and unpaid time off such as sick pay, personal days and vacation concurrently with leave granted under this policy.

(c) Bereavement Leave.

Full-time employees of Winnebago County shall be entitled to up to three (3) consecutive days of paid bereavement leave in the event of the death of a spouse, child, sibling, parent or step-parent (to include a person who stood in “loco parentis” for the employee when the employee was a child,) mother or father-in-law, brother or sister-in-law, grandparent or grandchild. Bereavement leave shall be paid at the employee’s regular rate of hourly pay for standard scheduled hours for each day of leave taken. One of the three (3) consecutive days of bereavement leave must be utilized for the day of the funeral service.

In the event of death of a relative other than the employee’s immediate family as defined above, an employee may utilize a personal day, vacation time or take up to two (2) days leave without pay, unless such absence would unduly interfere with the administrative, personnel or operational needs of Winnebago County.

Paid time off pursuant to this policy will not be counted as hours worked for purposes of the calculation of overtime. The County may require verification of the need for bereavement leave, paid or unpaid.

Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180	
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08	
	Issue Date:	6/26/08	
	Page 9 of 10		

(d) Jury Duty and Summonses.


Winnebago County will not aid or assist any employee in avoiding jury duty. If the administrative, personnel or operational needs of the County so require, it may assist an employee who receives a summons for jury duty in delaying service. Full-time employees who are called to jury duty will be compensated at their regular hourly rate for their standard scheduled hours for each day of service. Any compensation received from the court for jury service shall be surrendered to the Human Resources Department or its designees. Payment under this policy shall not exceed four weeks (160 hours). If required to serve longer than four (4) consecutive weeks, jury duty leave shall be unpaid and employees may keep compensation received from the court. Upon reaching unpaid time off under this section, all accrued benefits shall stop accruing and payment under this policy may not be used in conjunction with any other paid time off or leave. Employees who are summoned for deposition or other testimony in their capacity as employees or agents of Winnebago County must make their Department Heads aware of the receipt of any such summons or subpoena as soon as it is received or reasonably possible.

Time incurred in responding to summonses and subpoenas shall constitute hours worked for purpose of the calculation of overtime and shall be paid at the employee's regular hourly rate.

Employees who are required to appear in court or give deposition for personal or non-work related reasons may use a personal day, vacation day or request an unpaid absence. Granting time off to respond to a summons or subpoena will be at the discretion of the employee's Department Head. Employees required to personally appear as a defendant in a criminal matter shall be subject to discipline as provided for elsewhere in County policies.

(e) Educational Leave.

A leave of absence for a period not to exceed one (1) year may be granted to an employee in order that the employee may attend a recognized college, university, trade or technical school, high or primary school, provided that the course of instruction is reasonably related to his/her employment for the potential benefit of Winnebago County. Leave granted under this policy shall be at the discretion of Winnebago County and shall not be paid. An employee granted a leave of absence under this policy shall not continue to accrue benefits

Description: LEAVES OF ABSENCE POLICY		Policy Number: 62-176--- 62-180	
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08	
	Issue Date:	6/26/08	
	Page 10 of 10		

or seniority during the period of the leave. Group health insurance benefits shall be continued under the same terms and conditions as existed prior to the beginning of the leave period as noted in the health insurance section below. No other leaves or paid time off may be used in conjunction with this section of the policy. Although Winnebago County will endeavor to return an employee taking leave under this policy to the same or a substantially similar position as that held before the leave began, it is not guaranteed.

An employee requesting a leave of absence under this policy must submit to his/her Department Head a written request including satisfactory evidence that the college, university or other school has accepted him/her as a student and, on the expiration of each semester or other school term, shall submit proof of attendance during such term. Leave granted under this policy may be extended for additional periods of up to one (1) year upon written request of the employee and submission of evidence to the Department Head of the successful completion of the course(s) of study for which the original leave was granted.


If an employee is attending training for the purpose of maintaining licensure or necessary certification for his/her employment with the County, unpaid time off and/or compensation will be provided in accordance with applicable wage and overtime laws and/or applicable collective bargaining agreement.

(f) Union Business.

Winnebago County employees who are members of a collective bargaining unit shall be provided with time off and compensation for the conduct of union business in accordance with the terms and conditions of an applicable collective bargaining agreement.

(g) School Visitation Rights.

Employees are expected to use vacation or personal days in order to attend parent/teacher conferences or other school related functions for their own children. If, however, an employee has expended all paid time off or is otherwise ineligible, Winnebago County will grant him/her up to four (4) hours of unpaid time off per year for attendance at school functions.

Description:	LEAVES OF ABSENCE POLICY	Policy Number: 62-176--- 62-180
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08
	Issue Date:	6/26/08
	Page 11 of 10	

Section 62-180 Applicable guidelines for all Leaves of Absence

(a) Concurrent Use of Other Paid Time Off During Leave.

If an employee has accrued or is eligible for paid time off (*e.g.* vacation pay, sick pay, personal day pay, *etc.*) or other paid leave (disability or workers' compensation, *etc.*, provided that leave meets FMLA/leave requirements), the employee must use such paid benefits concurrently with FMLA leave to the extent that this does not conflict with IMRF disability benefits. The use of paid time off during a period of FMLA leave does not extend the twelve (12) or twenty-six (26) workweek leave period.


Accrual based benefits such as vacation and sick pay shall not accrue during any unpaid period of FMLA qualified, discretionary or educational leave.

(b) Health Insurance While on Leave.

Winnebago County will continue qualified health insurance benefits for eligible and participating employees while on an FMLA qualified leave under the same terms and conditions as existed the day the leave began.

During a leave of absence, the employee is responsible for the payment of the employee portion of health insurance premiums. If an employee continues to receive pay as the result of the use of paid time off such as sick pay or vacation pay while on a qualified leave, the County will continue to deduct the employee portion of insurance premiums. In the event the employee is on an unpaid leave or on IMRF Disability and no longer receiving compensation through the payroll process, the County shall continue to make contributions toward the cost of the Group Health Insurance coverage for a period of ninety (90) calendar days and the employee shall pay the amount that is normally deducted per payroll period from his/her payroll check. At the end of the ninety (90) day period, the employee may continue his/her coverage by paying the full cost for coverage.

In the event that an employee is receiving Workers' Compensation Temporary Total Disability (TTD) payments pursuant to the Illinois Workers' Compensation Act, the employee shall be required to contribute his/her portion of the cost of the Group Health Insurance coverage for a period of twelve (12) months from the initial

Description: LEAVES OF ABSENCE POLICY		Policy Number: 62-176--- 62-180	
 <p style="text-align: center;">WINNEBAGO COUNTY</p>	Revision Date:	6/26/08	
	Issue Date:	6/26/08	
	Page 12 of 10		


date of injury. Thereafter, the employee shall be responsible to pay the full cost of the Group Health Insurance premium.

A payment schedule will be set up at the commencement of a period of a leave of absence. The County will continue to make the employer contribution toward maintenance of coverage for the duration of an FMLA qualified leave, but the employee shall be responsible for reimbursement of the employee contribution during or upon return from leave. In all other cases, payment of the employee contribution shall be made in accordance with the payment schedule. Non-payment of employee contributions or payment that is more than thirty (30) days late, may result in termination and lapse of insurance coverage. Cancellation or lapse will be retroactive to the last day of coverage from the last payment of the employee contribution made by the employee. In the event of non-payment of employee contributions to coverage, the County may act to recover payments made by it in order to continue coverage.

Outstanding premium balances will disqualify otherwise eligible employees from future participation in the Group Health Insurance Program until such time as outstanding balances are resolved. Any event which causes coverage to lapse will necessitate re-enrollment in accordance with Summary Plan Documents. Once coverage has lapsed, payment of an outstanding premium balance does not constitute a qualifying event and does not automatically re-enroll or restore coverage.

(c) Returning from Leave.

An employee on any leave of extended duration, *i.e.* more than two weeks, is responsible for communicating with his or her Department Head regarding anticipated return. An employee who wishes to return to work earlier than originally anticipated must provide at least a five (5) business day notice of an earlier than anticipated return to the Human Resources Department or its Departmental designee. Where notice is not provided at least five days in advance, requests for early return will be granted in accordance with the business, administrative and operational needs of the County.

Description: LEAVES OF ABSENCE POLICY		Policy Number: 62-176--- 62-180	
	WINNEBAGO COUNTY	Revision Date:	6/26/08
		Issue Date:	6/26/08
		Page 13 of 10	

The failure to return from any leave granted under this policy, without prior approval or in the absence of notice or contact from the employee, will be deemed to be a voluntary resignation by the employee.