

POLICY NAME: LEAVES OF ABSENCE
Including FMLA, Non-FMLA
Medical, Personal, VESSA, Military
and Child Bereavement

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POLICY:

The University of Chicago Medical Center (known as UCMC or the Medical Center) employees may be eligible for leave under the following federal, state, and local laws, or pursuant to Medical Center policy. The application of this policy, and the procedures and definitions set forth herein, may be modified in accordance with changes in applicable law and regulations.

For employees who are represented by a labor union, there may be specific collective bargaining agreement language and/or other agreements that address the specific matter of this policy. Where that is the case, the collective bargaining agreement or other agreements govern in lieu of this policy.

PURPOSE:

The purpose of this policy is to describe the Medical Center's leave of absence policies, eligibility criteria, procedures for giving notice, and information on pay and benefits while on leave.

LEAVE POLICIES:

Family and Medical Leave Act (FMLA) – The FMLA provides up to twelve (12) workweeks of job-protected leave during a rolling twelve (12) month period measured backward from the date any leave is taken. A Medical Center employee may request FMLA Leave for any of the following reasons:

- Birth or Placement (Bonding) – To care for an employee's child after birth, or placement for adoption or foster care (such leave must be completed within one year of the birth (or placement).
- Family Medical – To care for the employee's parent, child or spouse who has a serious health condition.
- Employee Medical – Due to the employee's own serious health condition, including incapacity due to pregnancy prenatal medical care or child birth, which makes him/her unable to perform his/her job function.
- Qualifying Exigency – Employees whose spouse, child or parent is on covered active duty or call to covered active duty status may use their twelve (12) week entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal

arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

- Injured Service Member (Military Caregiver) – FMLA includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a rolling twelve (12) month period measured from the date a leave is taken. A covered service member is:
 - A current member of the Armed Forces, including a member of the National Guard or Reserves, who undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - A veteran who was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Americans with Disabilities Act (ADA) – An employee who is not eligible for FMLA leave or who has exhausted his or her entitlement under the FMLA may be eligible for leave as a reasonable accommodation under the ADA. Please refer to HR217: Equal Employment Opportunity for Individuals with Disabilities and Reasonable Accommodation policy for additional information regarding the process for seeking leave as a reasonable accommodation under the ADA.

Uniformed Services Employment and Reemployment Rights Act - USERRA (Military Leave) – An employee taking part in a variety of military duties are eligible for leave under USERRA. Such duties may be on a voluntary or involuntary basis and includes active duty and training, Reserve duty and training, National Guard duty and training, funeral duty honors, and time for an examination to determine the fitness to perform any such duties. These protections include reemployment, protection from discrimination and retaliation, as well as health insurance and pension protections.

Illinois Service Member Employment and Reemployment Rights Act - ISERRA (Military Leave) – ISERRA provides the same protections as USERRA (i.e., reemployment, benefits and discrimination), but expands protections to persons identified above and incorporates existing benefits to service members who are public employees including protections to prevent poor performance reviews during periods of military leave. Because ISERRA represents the minimum employer requirements, employers maintain the discretion to provide greater benefits.

Victims' Economic Security and Safety Act (VESSA) – An employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of domestic or sexual violence may be entitled to up to twelve (12) weeks of unpaid leave per any twelve (12) month period to address issues arising from domestic or sexual violence. An employee may seek VESSA leave 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;
- Obtain **victim services** for the employee or employee's family or household member;
- Obtain psychological or other **counseling** for the employee or the employee's family or household member;
- 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
- Seek **legal assistance** to ensure the health and safety of the victim, including participating in court proceedings related to the violence.

Child Bereavement Leave Act (CBLA) – An employee may be entitled to a maximum of 2 weeks (10 work days) of unpaid bereavement time in a 12 month period to:

- Attend the funeral or alternative to a funeral of a child;
- Make arrangements necessitated by the death of a child or;
- Grieve the death of a child.

In the event of the death of more than one child in a 12 month period, an employee is entitled to up to a total of 6 weeks of bereavement time.

City of Chicago Paid Sick Leave Ordinance – For every 40 hours worked, an employee earns one hour of paid sick leave in full hour increments. Salaried employees who are exempt from overtime requirements shall accrue one hour of Paid Sick Leave for each week of employment. Paid sick leave hours are capped at 40 hours per 12-month period. At the end of a 12-month accrual period, employees are allowed to carry over up to half of unused paid sick leave (a maximum of 20 hours). If subject to FMLA, employees are allowed to carry over up to 40 hours of unused paid sick leave, in addition to half of all unused paid sick time (60 hours total), to use exclusively for FMLA-eligible purposes. **These provisions do not add to or otherwise replace the accrual and use of sick time as otherwise provided by UCMC Policy or applicable CBAs.**

Personal Leave – An employee may be eligible to for an unpaid personal leave of absence for medical, educational, or personal reasons even if the FMLA, ADA, USERRA, ISERRA, VESSA, CBLA do not provide for the requested leave. Approval of personal leaves is at the discretion of the Medical Center based on current business needs. Consult Sedgwick, the UCMC Reporting Center, for details at 855-311-9661.

ELIGIBILITY:

FMLA – An employee who has been employed at the Medical Center for at least twelve (12) months (including as a temporary employee), has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period prior to the commencement of the leave, and who works at a worksite where the Medical Center employs at least fifty (50) employees within seventy-five (75) miles, is eligible for FMLA leave. With the exception of military leave, only actual hours worked are included in the one thousand two hundred fifty (1,250) work hours referenced above. Under certain circumstances married spouses who both work at the Medical Center share the twelve (12) weeks of FMLA leave. Consult Sedgwick, the UCMC Reporting Center, for details at 855-311-9661.

Military Leave (USERRA & ISERRA) – Regular full-time and part-time employees employed by the Medical Center and who are active in the Military Reserves or National Guard are eligible to request a military leave of absence.

VESSA – All Medical Center employees are entitled to a total of 12 workweeks of leave during any 12-month period.

CBLA - All Medical Center employees are entitled to a maximum of 2 weeks (10 work days) of unpaid bereavement time in a 12 month period. In the event of the death of more than one child in a 12 month period, an employee is entitled to up to a total of 6 weeks of bereavement time.

City of Chicago Paid Sick Leave Ordinance - Employees who work at least 80 hours within any 120-day period qualify Paid Sick Leave under the Ordinance.

Personal Leave – Regular full-time or benefits eligible part-time employees, who have been employed by the Medical Center for at least one (1) year, are eligible to request an unpaid personal leave of absence.

For employees covered by a CBA, eligibility requirements may vary, please refer to the respective labor contract or contact the Employee/Labor Relations Department.

DEFINITIONS:

Qualifying Family Member under FMLA – Is a qualifying family member under FMLA includes the employee’s parents, employee’s children under the age of 18, employee’s spouse and anyone who served *en loco parentis*.

Qualifying Family Member under VESSA – Is an employee’s spouse, child parent or household member.

Qualifying Family Member under Illinois Employee Sick Leave Act – Is an employee’s child, spouse, [domestic partner], sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

PROCEDURES:

NOTICE OF LEAVE:

FMLA - If an employee’s need for FMLA leave is foreseeable, the employee must give Sedgwick, the UCMC Reporting Center, at least thirty (30) days prior notice or as much notice as is practicable. If the need for leave is not foreseeable, then the employee is expected to provide notice to Sedgwick, the UCMC Reporting Center, as soon as practicable, generally the same day or the next business day the employee learns of the need for leave. Failure to provide such notice may be grounds for delay or denial of leave and may result in adverse employment actions. The Medical Center has “Request for FMLA” leave forms available from Sedgwick, the UCMC Reporting Center. Absent unusual circumstances, an employee must follow these procedures and use these forms when requesting FMLA leave. Requests for FMLA leave must be provided to Sedgwick, the UCMC Reporting Center, at 855-311-9661.

Important Note: An employee seeking or taking FMLA leave must also provide notice to the employee’s department, for both continuous and intermittent leaves, pursuant to the relevant department’s call-in and absence reporting procedures. Failure to provide notice to the employee’s department or to the Sedgwick, the UCMC Reporting Center, in accordance with this policy may be grounds for delay or denial of leave and may result in adverse employment actions.

Military Leave (USERRA & ISERRA) – An employee must provide the Medical Center advance notice (orally or in writing), through his/her immediate supervisor, that he/she will be absent from the job due to military service or training, unless such notice is precluded by military necessity or is otherwise impossible or unreasonable. The employee is expected to inform their supervisor that they are active in the Military Reserve or National Guard.

The employee is also expected to notify his or her department immediately of the date that they are to report for active duty. For leave requests regarding the customary two (2) week annual training, the employee is not required to complete a LOA request. For active duty other than the two (2) week annual training, the employee must apply for a Leave of Absence by contacting Sedgwick, the UCMC Reporting Center, at 855-311-9661.

VESSA – An employee must provide the Medical Center with at least 48 hours’ advance notice of the employee’s intention to take leave to his/her immediate supervisor, except in such cases where it is not practicable to provide such notice.

CBLA - An employee must provide the Medical Center with at least 48 hours' advance notice of the employee's intention to take bereavement time, unless providing such notice is not reasonable and practicable, to his/her immediate supervisor. Bereavement time must be completed within 60 days after the date on which the employee receives notice of the death of the child. The Medical Center may require reasonable documentation. Documentation may include:

- A death certificate;
- A published obituary, or written verification of death; or
- A burial or memorial services form from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.

Personal Leave – An employee must provide the Medical Center at least thirty (30) days prior notice through the Sedgwick, the UCMC Reporting Center.

INTERMITTENT OR REDUCED WORK SCHEDULE LEAVE:

Employee Medical, Family Medical, Injured Service member under FMLA and VESSA leave may be taken intermittently (in separate blocks of time due to a single covered health condition) or on a reduced work schedule (reducing the usual number of hours an employee works per workweek or workday) if medically necessary. Qualifying Exigency leave may also be taken intermittently or on a reduced work schedule basis. While an employee is on an intermittent or reduced schedule leave for planned medical treatment, the Medical Center may temporarily transfer the employee to an available alternative position that better accommodates recurring leave and which has equivalent pay and benefits.

If an employee is certified to take FMLA or VESSA leave on an intermittent basis, the employee must report any FMLA or VESSA qualifying absences to the employee’s department **and** to Sedgwick, the UCMC Reporting Center.

Where the approximate timing of the need for intermittent leave is not foreseeable, absent extenuating circumstances, employees must report all qualifying absences to his or her department in accordance with the department’s absence-reporting procedures at least 2 hours prior to the employee’s scheduled shift. If an employee is unable to report an unforeseeable absence at least 2 hours prior to the employee’s scheduled shift, the employee should report the absence as soon as practicable. When reporting an absence after the 2 hour limit, employees should convey the extenuating circumstances that prevented them from providing the notice earlier. This information should be submitted to HR Employee/Labor Relations for review no later than two (2) business days from the date of the absence.

In addition to providing notice to the employee’s department, the employee must **also** notify Sedgwick, the UCMC Reporting Center, at the time of the absence from work (but no later than two (2) business days from the date of the absence) if the absence is for an FMLA qualifying reason.

Failure to provide notice to the employee’s department or to Sedgwick, the UCMC Reporting Center, in accordance with this policy may be grounds for delay or denial of leave and may result in adverse employment actions.

RETURN FROM LEAVE:

FMLA & Non-FMLA Medical Leave – If an employee takes an FMLA leave, he/she is generally entitled to return to his/her position or to an equivalent position with equal benefits, pay and other terms and conditions of employment, subject to any applicable exceptions. In addition, an employee has no greater rights to reinstatement or to other benefits and conditions of employment than if the employee had not taken FMLA leave. If an employee takes medical leave for his/her own serious health condition, he/she will be required to provide a fitness for duty certification that the employee is fit to resume work and is able to perform all essential job functions. Employees failing to provide a fitness for duty certification will not be permitted to resume work until it is provided. Please refer to HR501D – “Return to Work from Illness, Medical Condition or Accident” for additional details regarding the return to work process.

If an employee is returning from FMLA leave for care of a qualified family member, the employee is expected to return to work on their next scheduled shift following the end date of their leave. Failure to return work following the end date of their leave may result in adverse employment actions.

Military Leave (USERRA & ISERRA) – Once released from military duty, service members are to report back to their employer in accordance with USERRA and ISERRA.

VESSA – If an employee takes medical leave for his/her own serious health condition in accordance with the VESSA regulations, he/she will be required to provide a fitness for duty certification that the employee is fit to resume work and is able to perform all essential job functions. Employees failing to provide a fitness for duty certification will not be permitted to resume work until it is provided. Please refer to HR501D – Return to Work from Illness, Medical Condition or Accident policy for additional details regarding the return to work process. Otherwise, the employee is expected to return to work on their next scheduled shift following the end date of their leave.

CBLA – An employee is expected to return to work on their next scheduled shift following the end date of their leave.

Personal Leave – An employee is expected to return to work on their next scheduled shift following the end date of their leave.

PAY WHILE ON LEAVE:

FMLA & Non-FMLA Medical Leave – An employee on FMLA or Non-FMLA Medical leave is required to exhaust vacation and personal holiday accruals while on a leave prior to taking unpaid time off of work for any covered reason, and must also use all sick, personal holiday and vacation accruals while taking leave for the employee’s own serious health condition prior to receiving short term disability payments. Please refer to the short term disability plan document for additional information regarding disability benefit payments.

Additionally, an employee taking FMLA leave for the serious health condition of a family member can use up to 5 days of his/her sick accruals designated for this time off, as described in HR516: Sick Time–Employees not Covered by Collective Bargaining. As set forth below:

- An employee must use his/her accrued sick, personal holiday and vacation time during FMLA or Non-FMLA Medical leave for his/her own serious health condition, including disability related to pregnancy, prenatal medical care or child birth.
- Paid parental leave may be taken in one continuous 6 week block of leave or on an intermittent basis, provided the absences are taken in one-week increments at minimum. For additional information please refer to policy HR810
- An employee may use up to 5 days of his/her accrued sick time designated for a family member during FMLA leave to care for an immediate family member.
- Sick time may not be used for bonding leave or for military exigencies.

- The use of paid leave does not extend the twelve (12) week [or where applicable, the twenty-six (26) week] FMLA leave period. Paid, non-worked time under the Medical Center's Short Term Disability, Long Term Disability, and Worker's Compensation programs will be counted toward the twelve (12) weeks of FMLA leave. Paid time runs concurrently with FMLA; it does not extend.

Military Leave (USERRA & ISERRA) – An employee has three (3) options from which to choose in order to receive pay for the customary two (2) week annual training:

- If the employee is eligible for paid vacations, he/she may use accrued vacation for the training period. Under this option, the employee retains the military pay.
- The employee may take an excused two (2) week absence for the training period and still receive the Medical Center pay. The employee must exchange the military pay in order to receive a Medical Center paycheck. The employee may retain subsistence or uniform allowances from the military pay.
- The employee may take an excused two (2) week absence without pay. The employee would retain the entire military pay.

Reservists and National Guard personnel who are ordered to active service, for duty other than the customary two (2) week annual training, will be granted an indefinite leave of absence, without pay.

VESSA – An employee on VESSA leave is required to exhaust vacation and personal holiday accruals while on a VESSA leave prior to taking unpaid time off of work for any VESSA covered reason, and must also use sick time while taking VESSA for recovery from, physical or psychological injuries caused by domestic or sexual violence to the employee prior to receiving short term disability payments.

CBLA – An employee on CBLA may choose to use any available Bereavement, Personal Holiday or vacation time to cover the absence, but is not required to do so.

Personal Leave – An employee on Personal Leave is required to exhaust vacation and personal holiday accruals while on a Personal Leave prior to taking unpaid time off of work.

OTHER PROVISIONS:

A. Medical and Other Benefits

During any leave provided for under this policy, the Medical Center will maintain an employee's group health benefits on the same conditions as if the employee had continued working his/her regular schedule. If paid leave is substituted for unpaid leave, the Medical Center will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, an employee must make arrangements with Sedgwick, the UCMC Reporting Center, to pay his/her portion of the premium. An employee's group health care coverage will cease if the premium payment is more than thirty (30) days late, but employees will be notified by Benefits Express at least fifteen (15) days before coverage lapses. Additionally, if an employee fails to return from leave, the Medical Center may require repayment of any premium that was paid for maintaining the health coverage for the employee, unless the employee does not return because of a continuing or recurring serious health condition or that of a covered family member, or because of other circumstances beyond an employee's control.

B. Certification/Second Third Opinions

If an employee is taking Employee Medical or Family Medical leave under FMLA, the employee must submit a fully completed health care provider's certification demonstrating the need for the leave within fifteen (15) calendar days from the date the certification is requested. Failure to provide requested certification in a timely manner may result in delay or denial of leave or other adverse consequences. For Family Medical and Employee Medical leaves, the health care provider certification form may be obtained from Sedgwick, the UCMC Reporting Center, or found in the Department of Labor (WH 1420) publication (see DOL url link below). In its discretion and at its own expense, the Medical Center may require a second medical opinion, and if the first and second opinions differ, may request a third medical opinion. If a third opinion is requested, it will be provided by a health care provider approved jointly by the employee and the Medical Center and will be binding. The Medical Center may also require recertification periodically during a leave. The Medical Center may also ask for authentication and/or clarification of any medical certification submitted. All forms must be filled out completely and legibly. Certifications are also required for Qualifying Exigency and Injured Service Member leave. Sedgwick, the UCMC Reporting Center, will provide the employee with the applicable forms. If the certification is incomplete or fails to sufficiently demonstrate the need for leave, an employee will be given seven calendar days to correct any deficiency, unless the Medical Center determines that more time is necessary because seven days is not practicable under the circumstances.

C. Other Employment/Falsification

An employee who intends to continue to work at a second job that the employee already had before the leave commenced, must have the written permission of his/her department manager. Otherwise, employment elsewhere, including self-employment, shall be considered a violation of this policy and shall result in immediate termination. Misrepresentations or falsification of any information or documentation submitted in the course of the application process or while on leave will be grounds for immediate termination.

Questions on this policy should be directed to the employee's supervisor or to HR Shared Services.

The Senior Vice President and Chief Human Resource Officer is responsible for the interpretation and revision of this policy. All UCMC employees are responsible for the implementation of this policy.

REFERENCES:

Additional information on rights under the FMLA and USERRA may be obtained from HR Shared Services or <https://www.dol.gov/whd/fmla/>

Additional information on rights under the ISERRA may be obtained from HR Shared Services or www.illinoisattorneygeneral.gov/rights/veterans.html

Additional information on rights under the VESSA and CBLA may be obtained from HR Shared Services or <https://www.illinois.gov/idol/Laws-Rules/Pages>

Additional information on rights under Cook County Earned Sick Leave Ordinance may be obtained from HR Shared Services or <https://www.cookcountyil.gov/agency/commission-human-rights>

Additional information on rights under City of Chicago Paid Sick Leave Ordinance may be obtained from HR Shared Services or https://www.cityofchicago.org/city/en/depts/bacp/supp_info/paidsickleave.html

CROSS-REFERENCES:

HR217: Equal Employment Opportunity for Individuals with Disabilities and Reasonable Accommodation

HR501: Attendance – Hourly Employees
HR501A: Attendance for Employees in NNU, Teamsters and SEIU Bargaining
Units HR501D: Return to Work from Illness, Medical Condition or Accident
HR503: Call In for Absence or Tardiness
HR506: Bereavement Time
HR810: UCMC Paid Parental Leave

ATTACHMENTS:

None

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