



| <b>Policy 5.10</b>                   |  | <b>Victims' Economic Security &amp; Safety Leave</b> |                                      |
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| <u>Effective Date:</u><br>9/14/10    | <u>Applicable Law/Statute:</u><br>820 ILCS 180 | <u>Source Doc/Dept.:</u><br>None/HR                  | <u>Authorizing I.C. Sec:</u><br>None |
| <u>Last Amended Date:</u><br>2/28/12 |  |  |                                      |

## **VICTIM'S ECONOMIC SECURITY & SAFETY LEAVE**

**5.10**

### **POLICY**

It is the policy of DuPage County to comply with the provisions of the Victims' Economic Security and Safety Act of 2003 (VESSA). This policy is meant to comply with the VESSA Act and is not intended to grant leave in addition to what the Act requires.

### **ELIGIBILITY**

- All employees who have been a victim of domestic or sexual violence, or whose family or household members have been a victim of abuse, or anyone related to the victim by blood or by present or prior marriage, and anyone who shares a relationship with the victim through a son or daughter (provided the employee is not the perpetrator) may take up to twelve (12) weeks of unpaid leave in any twelve (12) month period to seek medical attention, legal assistance and counseling.

### **GUIDELINES**

- A. An eligible employee shall be entitled to a total of twelve (12) work weeks of unpaid leave in a designated twelve (12) month period for one or more of the following:
  1. To seek medical attention for, or recovery from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member.
  2. To obtain services from a victim services organization for the employee or employee's family or household member.
  3. To obtain psychological or other counseling for the employee or the employee's family or household member
  4. To participate in safety planning, temporarily or permanently relocating, or to take other action to increase the employee's safety.

5. To seek legal assistance or remedies to ensure the health and safety of the employee or employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from the domestic or sexual violence.
- B. The entitlement to leave under VESSA is not in addition to the twelve (12) week leave period provided by the Family Medical Leave Act. (Personnel Policy 5.9: Family Medical Leave).
  - C. DuPage County uses a rolling twelve (12) month calendar to calculate an employee's VESSA Leave. When an employee requests VESSA Leave, DuPage County will compute the amount of available time based upon the date of the employee's previous leave under either VESSA or FMLA, if applicable.
  - D. Leave taken under this policy which also qualifies as FMLA leave shall run concurrently under both VESSA and FMLA and shall be counted against the twelve (12) week entitlement under both VESSA and FMLA.
  - E. The County will provide basic life, medical and dental insurance coverage to an employee who is on VESSA Leave at the current employee rate. If an employee is off work after exhausting their twelve (12) weeks of VESSA Leave, the employee will be responsible for the entire premium amount.
  - F. VESSA Leave may be taken on an intermittent basis (in separate blocks of time) or on a reduced work schedule (reducing the usual number of hours per week or per day).
  - G. An employee with twelve (12) or more months of service who is absent on VESSA leave for twelve (12) work weeks or less will have the right to return to the same or equivalent position. If the absence is longer than twelve (12) work weeks, the employee may return to their former position if available. If it is not available, the employee may be separated.
  - H. An employee who expects to be absent from work due to personal injury or illness for more than thirty (30) days may be eligible for IMRF disability benefits. (Personnel Policy 6.2: Illinois Municipal Retirement Fund)
  - I. DuPage County will make a reasonable accommodation to an employee for a known limitation resulting from domestic or sexual violence unless it would cause an undue hardship to the County. The County will also consider a request for transfer reassignment or modified schedule if needed due to a known limitation caused by an act or threat of domestic or sexual violence.

## **PROCEDURES**

1. When the leave is foreseeable, the employee is required to notify the Human Resources Department of the intention to take leave pursuant to this policy not less than forty-eight (48) hours before the date the leave is to begin. If the circumstances require the leave to begin in less than forty-eight (48) hours, the employee shall notify the Human Resources Department as soon as practical. Without approval from the Human

Resources Department, the days absent will be subject to the department's Attendance Policy which may lead to disciplinary action, not to exclude termination.

2. Requests for VESSA Leave must be approved by the Chief Human Resources Officer, or designee.
3. The County may require the employee to provide certification that the employee or the employee's family or household member is a victim of domestic or sexual violence. The employee shall provide such certification within a reasonable period after the certification is requested. Certification requirements may be satisfied by the following:
  - a. Documentation from an employee, agent or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence.
  - b. A police or court record
  - c. Other corroborating evidence
4. Employees may be required to provide periodic updates of their status and intent to return to work while on VESSA Leave.
5. If circumstances of a leave change, enabling the employee to return to work earlier than the date specified, the employee may be required to notify the Human Resources Department at least two (2) working days prior to their return.
6. If a reduced work schedule or intermittent leave is approved, the employee may be temporarily transferred to an available alternate position for which the employee is qualified. All salary and benefits status will remain the same.
7. If an employee fails to return from leave for reasons other than the continuation or recurrence of domestic or sexual abuse, or circumstances beyond the control of the employee, the County may recover the premium that was paid for maintaining group health plan coverage.